

GENERAL INFORMATION ABOUT THE CONTENTS OF THIS FILE

This file contains correspondence and documents submitted to the Commission which is in compliance with the Commission Rules and Operating Procedures, Rule 4.3. Compliance means that the deadline, delivery method (hard copy and/or electronic) AND the number of copies, when applicable, has been met. This file is divided into three sections and each section has been bookmarked** by the case numbers if additional documents were submitted for specific cases on the agenda.

- **“Initial Submissions”**: Submissions received no later than by end of day Monday of the week prior to the meeting (unlimited).
- **“Secondary Submissions”**: Submissions received after the Initial Submission deadline up to 48-hours prior to the Commission meeting (for the Central, Harbor and South Los Angeles Area Planning Commissions, the deadline is 3:00 p.m. Thursday prior to the Commission meeting). Maximum 10-pages including exhibits.
- **“Day of Hearing Submissions”**: Submissions after the Secondary Submission deadline up to and including the day of the Commission meeting. This section also includes material received at the meeting.

Material which does not comply with the submittal rules is not distributed to the Commission. The Commission Rules and Operating Procedures can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

Please note that all complying Initial Submissions **have been transmitted to the Commission,** either integrated with the Staff Report or along side it.

If the material was submitted to the project planner prior to the Monday deadline, it was made part of the staff report which can be accessed in the agenda by clicking on the specific item (correspondence is typically included at the end of the staff report). All other compliant material is included in this file.

Day of Hearing Submissions will be posted after the meeting and will be included at the end of this file.

**If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

INITIAL SUBMISSIONS

SECONDARY SUBMISSIONS

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Edward J. Casey

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June 11, 2018

VIA EMAIL & U.S. MAIL

City Planning Commission
Attn: David H. Ambroz, President
200 North Spring Street
Room 395
Los Angeles, CA 90012

Re: VTM No. 74529 and CEQA No. ENV-2016-1795-EIR

Dear Commission Members:

On behalf of the applicant in the matter of VTM No. 74529 and CEQA No. ENV-2016-1795-EIR, I am submitting this letter in response to the appeals filed by the Laborer's International Union of North America, Local Union No. 300. In both appeals, appellant only provides a single sentence as to the points at issue—"The EIR fails to adequately analyze environmental impacts of the Project, fails to adequately describe the environmental setting of the Project, and fails to propose all feasible mitigation measures and alternatives to reduce Project impacts."

That alleged basis for the appeal is legally inadequate under both the City Code and applicable CEQA case law. The courts have repeatedly held that to satisfy the "exhaustion doctrine," the person challenging the agency's decision must specify the *specific* grounds for alleged non-compliance with CEQA. In fact, one court has held that "to advance the exhaustion doctrine's purpose, the *exact issue* must be presented to the administrative agency." (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 535.) This requirement mandates that the "objections be sufficiently specific so that the agency has the opportunity to evaluate and respond to them." (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 530-31.) Consistent with these requirements of the exhaustion doctrine, the City's appeal form requires that the appellant state "specifically" the points at issue.

David H Ambroz

June 11, 2018

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Appellant has failed to do so since a single-sentence blanket accusation that the Project EIR failed to analyze environmental impacts, describe the environmental setting and propose mitigation measures is nothing more than a conclusion unsupported by any specifics. Accordingly, the appeals are legally insufficient and should be denied.

Very truly yours,



Edward J. Casey

EJC/ysr

cc: James K. Williams, Commission Executive Assistant II
(Via Email & U.S. Mail)
Vince Bertoni, Director of Planning
(Via Email & U.S. Mail)
Sergio Ibarra, City Planner
(Via Email & U.S. Mail)
Heather Bleemers, Senior City Planner
(Via Email & U.S. Mail)

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H C N C
Historic Cultural Neighborhood Council



HISTORIC CULTURAL NEIGHBORHOOD
COUNCIL
c/o Koban 307 E First Street
Los Angeles, CA 90012

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HCNC Board of Directors

January 27, 2018

sergio.ibarra@lacity.org

Sergio Ibarra
City Planning Dept.
200 N. Spring Street
Los Angeles, CA 90012

Re: 520 Mateo Los Angeles, CA 90013
CP Case No. ENV-2016-1795-EIR

Dear Sergio:

The Historic Cultural Neighborhood Council (HCNC) Land Use Committee voted unanimously to SUPPORT the direction of the above referenced project as outlined below and will vote on February 13, 2018 as a full Board

We are sending this letter to provide comments on the Draft Environmental Impact Report (EIR) for a proposed mixed-use development project to be located at 520 Mateo Street in the Arts District in Los Angeles. The HCNC believes that a mixed-use project at this site will significantly enhance the positive ongoing growth in the Arts District. However prefers approval of Alternative 4 described in the EIR. As we understand, Alternative 4 would develop the following uses:

475 live/work units,
100,000 square feet of office,
10,000 square feet of restaurant, and
10,000 square feet of retail

This type of mixed-use project is preferable for a number of reasons.

First, the buildings would be developed with Type I construction, which is more durable, higher quality, and more adaptable for future uses over the life of the buildings.

Second, Alternative 4 would provide for larger live/work units, specifically 1,000 gross square feet per unit. We believe that live/work units of that size can accommodate the work space needed by multiple artists as well as other businesses operating in the live/work units.

Third, Alternative 4 would provide for 125,000 square feet of commercial "job producing" uses. Thus, Alternative 4 would maintain the job producing capacity of this site as compared to the existing zoning.

Finally, Alternative 4 would develop a tower that is taller and less wide, which would further limit the duration of any shadows that may be cast on existing residential uses.

If these elements of Alternative 4 are included in the project approved by the City, the Board will support a 5% limit to the affordable residential units so long as those affordable units can be effectively marketed to artists in our community. We would also support the City's adoption of a Statement of Overriding Consideration for Alternative 4 since we believe the analysis of the environmental impacts of Alternative 4 in the EIR is accurate.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Kumamoto", with a long horizontal flourish extending to the right.

Alan Kumamoto
President, HCNC



James Williams <james.k.williams@lacity.org>

Fwd: Carmel Partners - 520 Mateo

1 message

Laura Velkei <laurahcnc@gmail.com>

Mon, Jun 11, 2018 at 1:46 PM

To: cpc@lacity.org

Cc: SERGIO.IBARRA@lacity.org

Dear Commissioners -

Please see the attached letter and email to Sergio.

I again wish to express our unwavering support for the Carmel Project referenced in the letter.

The team at Carmel has been working with the Community and the Land Use Committee for well over 2 years. They have taken feedback and integrated our collective concerns each time and this includes the shadow and positioning of the proposed tower. Per our request, Carmel narrowed the tower and set it back after expressing concerns about shadows and light filtration on Molino Lofts which is directly impacted by the project. With each adjustment we have seen a more creative project.

We are excited about this project because it maintains our community goals of building for longevity, sustainability and walkability. It will further foster the return of small business based on the economic model of their plan.

We do understand that height and density are scary for some particularly in the Arts District given so many low-rise buildings. Each of us grappled with this concept individually and then tackled it as a group looking for the long-term greater good. Many of the developers who have worked with the community have similar height adjustments. Some are in construction with those height adjustments, others are already approved and still others are pending. The common thread is that each looked at their relationship to the Arts District as a whole and their footprint in the neighborhood.

We sincerely hope that this project team will be granted the requested variances.

While I will not be able to attend their hearing meeting, I hope that my feedback will be given its due weight as Chair of the Land Use Committee for the HCNC.

I will ask Mr. Yuval Bar-Zemer to speak in my place as a representative of the HCNC.

Thank you,

--

Laura Velkei
Historic Cultural Neighborhood Council
3rd Vice President
Chair, Land Use Committee
Chair, Bylaws Committee

educate. unify. activate.
(213) 373-1038

Follow me on:

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----- Forwarded message -----

From: Laura Velkei <laurahcnc@gmail.com>

Date: Mon, May 14, 2018 at 10:32 PM

Subject: Carmel Partners - 520 Mateo

To: <SERGIO.IBARRA@lacity.org>

Hello Sergio -

I just wanted to reiterate our support for the above referenced project and ask that you pass this along to the ZA.

We believe that the additions below ensure longevity of the buildings in our community and move to support commercial uses that are sustainable. While we understand that height can be scary for some, our community leadership has spent a long time studying the benefits of density coupled with commercial and office uses.

- Type I construction is a priority
- Height should be concentrated on Santa Fe and reduced on Mateo as Mateo is a pedestrian oriented street.
- Maintaining a 1.5 FAR for commercial space
- In order for the additional Office square footage to be attractive to the tenants desired, the office and live/work tower need to be separated

Carmel has been a willing partner in getting this right with the community and understand the long term benefits of this approach for the Arts District specifically. They have gone above and beyond in their outreach taking in all the feedback and applying it to the project.

Thank you for your time.



HCNC LUC Carmel-520 Mateo.pdf

71K

LUNA & GLUSHON

A Professional Corporation

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Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

June 4, 2018

VIA EMAIL AND PERSONAL DELIVERY

City Planning Commission
Attn: Commission Secretariat
200 N. Spring Street, Room 532
Los Angeles, CA 90012

Re: CPC-2016-3853-GPA-VZC-ZAD-SPR/ENV-2016-1795-EIR
Vesting Tract Map No. 74529
520, 524, 528, 532 Mateo Street & 1310 E. 4th Place, Los Angeles

Honorable Commissioners:

Our law firm represents Stephen and Carol Ann Warren, the owners of property located on the east facing side of 527 Molino Street (part of the historic 1906 Barker Block brick warehouse) who strongly oppose the proposed mixed use development of 600 live/work units¹ and approximately 60,000 square feet of commercial retail and office floor area at 520, 524, 528, 532 Mateo Street & 1310 E. 4th Place ("the Project"). As adjacent neighbors, our clients will be the most impacted, both directly and negatively, if the Project, as proposed, is approved.

For all of the reasons set forth below, we ask that this Commission deny the Project application and require the Applicant to revise the Project in a manner that is compatible with the prevailing scale and character of the adjacent properties and surrounding neighborhood, and prepare an adequate Environmental Impact Report ("EIR"), as required by the California Environmental Quality Act ("CEQA").

¹ Alternative 4 proposes 475 live/work units, which, although an improvement, continues to be out of character and egregiously over-dense considering the remainder of the mass and scale of the Project.

I. The Requested General Plan Amendment and Vesting Zone/Height District Change are illegal under the Los Angeles Municipal Code and City Charter

Under Los Angeles Municipal Code (“LAMC”) Section 11.5.6, “the City's comprehensive General Plan may be adopted, and amended from time to time, either as a whole, by complete subject elements, by geographic areas or by portions of elements or areas, provided that any area or portion of an area has significant social, economic or physical identity.”

Here, the proposed General Plan Amendment area does not have any “significant social, economic or physical identity.” It is proposed at the subject location simply because the Applicant wants to build there. However, there is no language in either Charter Section 555 (or any other section of the City Charter) or LAMC Section 11.5.6 which provides the authority for the City to process, consider, or adopt a General Plan Amendment for individual properties, as here. General Plan Amendments can only be processed for areas of “significant social, economic or physical identity.” Accordingly, the proposed General Plan Amendment violates the LAMC and City Charter.

LAMC Section 12.32 further provides that a proposed land use ordinance, such as a Vesting Zone/Height District, must be in conformity with public necessity, convenience, general welfare and good zoning practice. Here, the Project is not in line with public necessity, convenience, general welfare or good zoning practice. Indeed, good zoning practice would require that a proposed project be *consistent* with both the zoning and general plan classifications *existing* at a project location. It would require that a proposed project be *complimentary* to and **compatible with the neighborhood surrounding it**.

The proposed Project location is comprised of older historic distressed brick buildings, one to five stories, and mostly constructed of brick and concrete. Yet the Project is proposed at **35 stories**. At this height, it will have as many floors as the tallest existing residential complex in the City of Los Angeles (1100 Wilshire). It will overwhelm and overshadow the low-height buildings surrounding it, causing adverse effects on aesthetics, noise, traffic, geology, historic resources and parking (which is not being provided to Code). Accordingly, it is not in conformity with public necessity, convenience, general welfare or good zoning practice.

Finally, Section 555 of the City Charter provides that only the City Council, the City Planning Commission or the Director of Planning may propose a

General Plan Amendment. Here, the Project-specific General Plan Amendment is clearly proposed by the Applicant, and therefore violative of City Charter Section 555.

For all of these reasons, the requested General Plan Amendment and Vesting Zone/Height District Change are prohibited under both the LAMC and City Charter.

LAMC Sections 12.32.Q.3(a)(2)(ii)-(ii) specifically provide the authority for this decisionmaking body to deny a proposed Vesting Zone/Height District Change where, as here, it is necessary to protect the best interest and assure a development *more compatible* with the surrounding property or neighborhood; to secure an *appropriate development* in harmony with the objectives of the General Plan; to prevent or mitigate potential adverse environmental effects of the zone change; or where public necessity, convenience or general welfare require that provisions be made for the *orderly arrangement* of the property. Such are precisely the circumstances here. Therefore, we urge this Commission to deny the Vesting Zone/Height District Change, as proposed.

II. The Findings for a Zoning Administrator's Determination cannot be made with substantial supporting evidence.

- a. The Project **will not** enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region;

Again, the Project, as proposed, is egregiously out of scale with the neighborhood surrounding it. At 35 floors, it will match the tallest existing residential complex in the City of Los Angeles. Yet, the Applicant has sought a Zoning Administrator's Determination for reduced parking. Such request is untenable. It not only ignores the neighborhood context, failing to provide any sense of compatibility in scale or massing to the adjacent buildings surrounding it, it actually proposes to aggravate the parking problems existing in the area². Accordingly, the Project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region.

² See below, the Central City North Community Plan specifically provides that there is an existing lack of overall parking – a fact well known throughout the City of Los Angeles.

- b. The Project's location, size, height, operations and other significant features **will not** be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and

As set forth above, the Project at 35 stories cannot be considered compatible with the adjacent properties of 2-4 stories. The proposed inadequate number of parking spaces will further exacerbate the already insufficient number of parking spaces in the neighborhood, and will cause "spill over" parking onto adjacent and surrounding streets. Accordingly, the Project will degrade and adversely impact our clients' dwelling unit and other similarly situated dwelling units.

- c. The Project **does not** substantially conform with the purpose, intent and provisions of the General Plan or the Central City North Community Plan.

The Project does not conform to the General Plan or the Central City North Community Plan. Indeed, it is seeking to *change* the General Plan, an action which, as set forth hereinabove, cannot be legally achieved under the LAMC and City Charter.

Indeed, the only way the Applicant and the City can make the requisite finding of "substantial conformance" here is to evaluate the Project based upon the *proposed* General Plan/Zoning designation. However, it is inherently against law to simply state that once a General Plan Amendment/Zone Change is approved, the Project will be consistent with the zoning and general plan classifications on-site. If such were the standard, any and all zone changes, general plan amendments, and variances would be inherently "consistent" with applicable land use plans. And, if such argument were accepted, the entirety of the "conformance with applicable land use plans" findings would be eviscerated.

In reality, the Project is inconsistent with the Central City North Community Plan which specifically offers the following issues as problems that the area is already facing:

- New multi-family residential projects that are out of scale and incompatible with the character of existing residential neighborhoods.

- Lack of continuity of complementary uses and cohesiveness along commercial frontages.
- Lack of overall parking and access within commercial strips.
- Unsightliness of new construction due to lack of landscaping, architectural character and scale.
- Scale, density, and character of buildings that complement surrounding uses.
- Effects of residential development on commercial corridors.

In order to address these pressing concerns, the Community Plan prescribes the following Commercial and Residential Policies:

- Protect the quality of the residential environment through attention to the appearance of communities, including attention to building and site design.
- Seek a high degree of architectural compatibility and landscaping for new infill development to protect the character and scale of existing residential neighborhoods.
- Consider factors such as neighborhood character and identity, compatibility of land uses, impact on livability, impacts on services and public facilities, and impacts on traffic levels when changes in residential densities are proposed.
- New commercial uses shall be located in existing established commercial areas or existing shopping centers.
- Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.
- Require that any proposed development be designed to enhance and be compatible with adjacent development.
- Presence community character, scale and architectural diversity.

The proposed Project not only fails to meet these Commercial and Residential Policies, it exacerbates the very issues and concerns identified in the Community Plan. Its mass, scale, and height, as well as location immediately abutting surrounded by one to five story structures puts it at odds with all of these Community Plan objectives.

The area surrounding and adjacent to the proposed Project (including buildings on Mateo, Molino and Hewitt Street) is comprised of historic distressed brick buildings that form the unique architectural community of the Arts District. These buildings are older, one to five stories, and made mostly of brick and concrete. The Project will leave the occupants of adjacent buildings and dwelling units without natural light or air. In the afternoon, the glass tower will act as a mirror on the adjacent structures. Its size, density, materials, and design conflict with the existing structures and will have the effect of Balkanizing the community. What's more, with the proposal for a Zoning Administrator's Adjustment, the Project suggests a less than required number of parking spaces. This is specifically contrary to the Community Plan which notes the lack of overall parking as an ongoing problem.

Simply stated, the proposed Project is completely inconsistent and incompatible with the character and architecture of this community, and therefore violative of the Central City North Community Plan policies and objectives, as set forth above.

III. The Findings for Site Plan Review cannot be made with substantial supporting evidence.

- a. The Project is not in substantial conformance with the purposes, intent and provisions of the General Plan and the Central City North Community Plan;

For all the reasons set forth herein, the Project is not in substantial conformance with the Central City North Community Plan.

- b. The Project does not consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

For all the reasons set forth herein, the Project does not consist of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be *compatible* with existing and future development on adjacent properties and neighboring properties.

IV. The Findings pursuant to the Subdivision Map Act cannot be made with substantial supporting evidence.

- a. The Proposed Map and the design and improvement of the Proposed Subdivision are not consistent with the City's General Plan, Land Use Element, and the Central City North Community Plan.

The State of California *Government Code* §§ 66473.1, 66474.60, .61 and .63 (the Subdivision Map Act) require that all Proposed Maps, as well as the design and improvement of all proposed subdivisions be consistent with applicable general and specific plans.

For all the reasons set forth herein, the Project is not in substantial conformance with the Central City North Community Plan.

- b. The Design of the Subdivision and Proposed Improvements are likely to Cause Substantial Environmental Damage.

The Environmental Impact Report ("EIR") for the Proposed Project is inadequate for the reasons stated below. Therefore, the Proposed Project is likely to cause substantial environmental damage.

V. The EIR is inadequate under CEQA

Reference is made to all of the comments previously made in the administrative record as to the inadequacy of the EIR. In particular, we would emphasize the following inadequacies:

1. The EIR fails to provide adequate mitigation measures with regard to the soil contamination on the Project site; potential impacts from such contamination during construction including but not limited to the proximity of the Los Angeles River.

2. The narrow streets in the area of the Project site lack the infrastructure to adequately handle the traffic to be generated from the proposed Project both during and after construction.
3. The change of the proposed Project to 35 stories has not been evaluated or analyzed in the EIR. Indeed, this change was accompanied by further revisions and Project features including a previously undisclosed office complex not analyzed in the original EIR. A new or supplemental EIR is required. *CEQA Guidelines* §15088.5 (an EIR must be recirculated when significant new information is added to it); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447 (recirculation is mandated when new information reveals a new substantial impact or a substantially increased impact on the environment).

For all of these reasons, we ask that the Commission deny this Project, as proposed, and require the Applicant to revise the Project in compliance with the compatibility requirements of the LAMC and applicable land use plans governing the Project site. Only with such revisions, as well as a new or supplemental EIR, should the Commission reconsider the Applicant's requests.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation

A handwritten signature in black ink, appearing to read "Rob Glushon", written in a cursive style.

ROBERT L. GLUSHON

City Planning Commission
Los Angeles City Council Chamber, Room 340
200 N. Spring St.,
LA, CA 90012

June 7, 2018

RE: Item # 10, June 14, 2018 agenda
CPC-2016-2601-VZC-HD-CUB-ZAA-SPR
6421-6429 1/2 Selma Avenue
1600-1604 N. Wilcox Avenue

Dear Commissioners,

My overwhelming concern with this project is with the proposed activated rooftop AND our experience with this applicant. I am asking you to DENY the CUB for the rooftop and to add appropriate conditions to the SPR to protect the community from future abuse of the above-ground outdoor space.

I have spoken in front of this Commission many times before about this same subject of bars on rooftops of hotels in Hollywood. This case is different because this applicant is a known entity with a track record of operating a hotel rooftop bar, and it's not good.

My first experience with this applicant, Richard Heyman, was in 2007 when he helped entitle a "restaurant" and "Banquet Hall" on Hollywood Blvd. known as The Kress. The rooftop was entitled and sworn, by this same applicant, to be a quiet bar for 36 people with "background, ambient music only", but soon after opening became a full-on nightclub with blasting music and flashing lights. I used to hear the Kress every night it was open and it was on Hollywood Blvd. and well over 1600 feet away from my house. He explained it away by blaming it on the operator and that he was not at fault, even though he was the one that personally vouched for it.

We do not need to go that far back in time for an example of poor operation and ignoring conditions from the applicant though. We only have to go right next door to the applicant's current operation at the Dream Hotel, 6417 Selma, and accompanying rooftop, the Highlight Room.

Once again, they swore and promised repeatedly during the entitlement process that the rooftop would not be a nuisance. It is and has been since it's third day of opening. It clearly operates as a nightclub. And even though it's CUB (CPC-2007-3931-ZC-HD-CUB-ZV-SPR) is very liberal, the intent of its conditions are clearly for it not to be a disruption and not be operated as a nightclub, which it clearly and obviously is. Last summer it was cited twice by LAPD for Public Dancing (it is my understanding that the pool gets covered to turn into a dance floor), and two separate times for requiring an admission/cover charge/table fee to get in. Both of

which are not allowed by the conditions. The cover charge violation is modus operandi.

Please, do not take my word for this. Please google "Dream Hotel" and "The Highlight Room". Read the reviews on Yelp, look at pictures, and even better- go by the location yourself. Please keep in mind that bars and nightclubs, including this one, don't even start to get loud and packed until 11:30PM-12 midnight. But if you even visit at 9 or 10:00, I'd bet you dollars to donuts that you will not be allowed in. Also keep in mind that they are on their best behavior right now leading up to this hearing and finishing this entitlement process. They have recently scrubbed their website of all incriminating pictures and tailored it for any official investigation. I also want to add that when I am impacted by noise, I just do not guess who the violator is. When I have the energy and intend to complain, I get up and trace the noise. After lying in bed past midnight and hearing songs clear as day, I have traced the noise many, many times to the Highlight Room.

Traditionally, the City has placed a lot of emphasis on an operator and whether they are "good" or "bad". Even though CUB's are land grants, they always reward the good but rarely sanction the bad. The applicant before you has a long history of misrepresentation and manipulation. They're not honoring their conditions next door, they've pulled shenanigans on this project and previous projects, and they don't deserve any benefit of doubt. There is no doubt- we know what they've done, and have a solid base to predict what they'll do.

Briefly, those misdeeds are:

- this project is illegally piecemealing it's entitlements under CEQA.

In 2015, they filed for and were subsequently granted a CUB, ZA 2015- 2671 (CUB), for this same property. At that time, they had plans for this hotel. The attachment "HIRC- Marketing-Company Teaser" is the applicant's fundraising brochure that clearly shows the restaurant "Tao" presented in ZA 2015-2671. It also shows their plan for another hotel (this hotel before you and in the past known as Dream II) which at that time in 2015/2016 they said was going to be a one-story retail building. The date on the brochure appears to be 4-11-2014. I received this brochure in May of 2014 and was contacted much earlier than that about a "Dream II" project. There are a few other red flags about the piecemealing than just the brochure. Please review the building permit history for 6421 Selma, the project before you. Apparently they were claiming at first, and for a long time, that they intended to build three levels, approx. 60,000 sq. ft., of underground "storage". It seemed so ridiculous that not even Building & Safety bought their ruse. It has now been declared to be just what it looks like- parking. Parking for a future hotel that they planned all along to build but were not divulging. Please investigate the building permit history with Building & Safety. Furthermore, the applicant was listed as "6421 Selma Wilcox Hotel, LLC" at that time; "hotel" being the operative word.

- Dream Hotel entitlement next door at 6417 Selma.

Aside from grievances with the CUB already explained above, there are some other alarming irregularities with that building process that do not inspire trust with this applicant. The determinations that regulated that project, CPC-2007-3931-ZC-HD-CUB-ZV- SPR and ZA 2013-3504-ZV, required 77 on-site parking spaces. There is zero on-site parking, and there was never any parking built. Ever. There is a B&S permit to convert the parking to a gym, office, etc., but there was nothing ever built to convert. So not only is there zero of 77 onsite parking as required by Planning but because that parking did not count as Floor Area, and was somehow converted to countable Floor Area, the project exceeded it's discretionary allowable FAR.

Finishing up, I want to offer the fact of why you should legally reject the rooftop bars/food service outright: To permit a rooftop bar/lounge, or any outdoor food/drink service above the ground floor, a Zone Variance needs to be granted.

Section 12.14-A,1(b)(3) of the LA Municipal Code states: "In connection with the stores, shops or businesses listed in Paragraph (a) all activities, other than incidental storage and outdoor eating areas for ground floor restaurants, shall be conducted wholly within a completely enclosed building." Another project in the area that requested this variance is The Dream Hotel, next door at 6415 Selma. That determination (CPC-2007-3931-ZC-HD-CU-CUP-ZV-SPR) states "Notwithstanding LAMC Section 12.14 A.1 (b)(3) the project shall be allowed the consumption of food and beverages, including alcohol, to take place outdoors on the 8th floor and the rooftop area in lieu of being conducted in a ground floor restaurant or entirely within a completely enclosed building as is otherwise required." Other Zone Variances the City has recently granted to allow Outdoor Eating Areas above the ground floor are: CPC-2008-3440-ZC-CUB-CU-ZV-DA-HD (2013) - 1720-1770 Vine Street, CPC-2009-3416-TDR-CUB-CU-CUW-ZV-SN-DA-ZAD-SPR-GB (2010) - 695-699 Figueroa Street, ZA-2001-1210-CUB-ZV (2001) - 550 Flower Street.

I am aware that the Planning Dept. and Department of Building and Safety sometimes rely on a ZAI 1808 in approving Outdoor Dining Areas above the ground floor, but this application is flawed and an abuse of their authority.

First off, the definition of Outdoor Eating Areas was established in 1990 by legislation, after the 1961 ZAI 1808, and therefore supersedes any application of ZAI 1808 when interpreting any rules and regulations applicable to Outdoor Eating Areas. Secondly, ZAI 1808 never considered Outdoor Eating Areas above the ground floor. Thirdly, ZAI 1808 is very clear in allowing outdoor dining areas that are "incidental" to the main "Restaurant, Café, Eating Establishment or Refreshment Facility". The rooftop bar/lounge being sought is not an incidental use but a significant entity on it's own with 2 separate bars.

Furthermore, to use ZAI 1808 (which never considered Outdoor Eating Areas above the ground floor) in establishing rules and regulations which conflict with the adopted legislation of the City Council is an err and abuse of discretion. Regardless

of the Planning Dept. and LADBS's past and current practice, the Planning Dept. cannot continue to rely on that practice if it can be demonstrated that such a practice is contrary to law. Moreover, the City's approval of process for Outdoor Eating Areas in general demonstrates ambiguity and inconsistency. If the City is to formally change the rules and regulations relating to Outdoor Eating Areas above the ground floor, it must do so through a Code Amendment or through a new ZAI that would inherently consider the 1990 legislation that defined Outdoor Eating Areas. The City Council, if it does not want to do that on a citywide policy, should at least require that this project obtain a Zone Variance in order to permit the consumption of food and/or drinks by the patrons of the proposed rooftop bar/lounge. You can change the zone from C-4 to C-2 if you so desire, but it will not authorize the use of ZAI 1808 in granting the rooftop use, the proper Zone Variance will still be required. I have attached ZAI 1808 to read for yourself.

As demonstrated above, a Zone Variance is required in order to permit an Outdoor Dining Area/Bar/Lounge above the ground floor. As required by the Multiple Approvals Ordinance, "applicants shall file applications at the same time for all approvals reasonably related and necessary to complete the project." If the applicant intends to have an Outdoor Bar/Lounge Area above the ground floor, they must include the Zone Variance as part of the entitlements sought in conjunction with the Site Plan Review application. Site Plan Review reviews and approves, in part, the proposed operations and the proposed location of those operations of a given project. In this instance, the Site Plan Review is considering a roof top deck with a bar/lounge and thus a Zone Variance would be reasonably related and necessary to complete the project.

And lastly, the MND is wholly inadequate in regards to operational noise. First off, there is a discrepancy between the Hearing Notice/Staff Report and the MND in regards to the rooftop seating. The Hearing Notice states 187 seats for the roofdeck. The MND studied seating for 73 on the roof, a difference of 114 seats, which is extremely significant. It is also in complete denial about the impacts from actual operating rooftops such as Dream.

Thank you,

David Carrera
6530 Leland Way
L.A., CA 90028

June 11, 2018

VIA HAND DELIVERY & EMAIL:

City Planning Commission
City of Los Angeles
200 N. Spring St., Room 340
Los Angeles, CA 90012
cpc@lacity.org

**RE: Item 10, CPC Hearing June 14, 2018; Dream II Hotel Project;
CPC-2016-2601-VZC-HD-CUB-ZAA-SPR, ENV-2016-2602-MND, VTT-74406**

Dear Honorable City Planning Commission:

I write to express my opposition to the referenced project known as the Dream II hotel (Project) based on the extensive comments made by others opposing the Project already on the record, incorporated in their entirety by this reference, and based on my observations discussed below.

In short, the Project seems to be merely a component of a larger, urban-resort enterprise envisioned by the owners and corporate officers of the Relevant Group (Applicants) for the southern portion of the city block bounded by Wilcox Ave./N. Cahuenga Blvd. and Hollywood Blvd./Selma Ave. (Site). The Site has already been redeveloped with the Dream hotel (Dream I) and Tao restaurant (Tao), with several additional businesses adjacent to the Dream I. However, the Project, Dream I, and Tao has undergone environmental review in isolation of one another and not within the context of this urban-resort enterprise. This piecemealed environmental review seems improper given the ultimate goal of the Applicants and potentially masks significant environmental impacts caused by the resulting development of the Site.

Therefore, I respectfully ask the City Planning Commission (CPC) to **reject all requested approvals until an environmental impact report** (EIR) is prepared to fully study the environmental impacts caused by turning this Project and the of this larger, urban-resort hotel project.

PERSONAL OBSERVATIONS

To provide CPC a complete context of the Project within the context of this larger enterprise, the following observations and important regarding the Applicants and the operations at Dream I and Tao.

In December 2017, I was hired as a barista in the lobby coffee/bar area of the Dream I hotel. I remained in this role until mid-May of 2018. In that time, I served many guests and patrons of the Dream I/Tao enterprise, with coffee and/or alcohol when requested. During my employment, I observed many signs that all the businesses currently open at the Site, including the Tao restaurant, the rooftop restaurant known as the Highlight Room at the Dream I hotel, Beauty & Essex, the Avenue club, and Luchini Pizzeria, were being operated as though they were a single interdependent enterprise.

Orientation: During my first day on the job, my orientation and training were held at the Tao Restaurant. I witnessed many other new employees for the Dream I and other establishments which

received their orientation and training within the Tao Restaurant, including large multi-day hiring events in anticipation of the summer rush at the hotel and connected properties.

Corporate Culture: From my first day of orientation through my entire employment, I had the understanding that the restaurants, clubs, and Dream I was a single enterprise that was controlled by the same overall group of owners (Applicant). This understanding was shared by my fellow employees and managers, which often talked about the total “experience” the array of businesses were creating for patrons, with our ultimate boss being the Applicants regardless of the business we worked for. This understanding was reinforced by the Highlight Room employee handbook I received, which shows prominent images of “Hollywood International Regional Center” principals Richard Heyman and Grant King.¹ The full connection between the businesses was also made clear by the marketing materials I’ve seen which talk about all the businesses on-site as though they are all pieces of the same whole.²

Employee Transfers & Patronage: Employees understand that they work for a family of interrelated businesses, and I observed and heard about many individuals changing or transferring jobs between the various business within the single enterprise. For instance, through informal conversations between supervisors, employees of the Dream I or Highlight room could transfer to the Tao restaurant. Alternatively,

I was also instructed, verbally and by way of my employee handbook,³ that I was not allowed to visit other on-site businesses without express permission from my direct supervisor and informing the general manager of the business beforehand. Under the “Nightclub” section of Applicants’ employee handbook, this policy was to “enable our staff to promote the brand.

Operations: During my employment as a barista, we served pastries that were entirely sourced from the Tao restaurant kitchen. There is a door on the Western side of the back-of-house area of the Dream I hotel that leads into the Tao kitchen, which is never locked. I would pick up the pastries from the Tao kitchen and deliver them to the coffee/bar area in the Dream I hotel. I observed fellow employees at other locations in the Dream I and Tao regularly moving food and other items between these locations.

On several occasions during the performance of my duties I observed Tao cooks complete food preparation activities for the Highlight Room at the Dream I, particularly when the restaurant was open for normal business at the same time the Dream I hotel had large special events. I was lead to believe this was a normal practice. I also observed the head chef of Tao give orders to the Highlight cooks as they prepared meals for patrons at the Highlight. Based on my personal observations, the smaller Highlight kitchen cannot meet by itself the large demand for food preparation when the Highlight is open and when the Dream I hosts special events, approximately once a week.

The Tao kitchen also makes all employee meals served in the employee cafeteria within the Dream I hotel. That employee cafeteria is used by all Dream Hotel employees that are employed within the hotel enterprise.

I witnessed employees called “Receivers,” who process and distribute deliveries to the enterprise including all shipments related to food, beverage, and alcohol services. The Receivers take

¹ See attached below.

² See attached

³ See attached Employee handbook, p. 14

deliveries at the main loading dock at the back of the Dream I hotel, then proceed to distribute the shipments throughout the Site. On numerous occasions, I saw them take deliveries to the Tao, Highlight, my coffee/bar, and the other respective restaurants and clubs.

Valet and Parking Operations:

The valet parking in front of both the Dream hotel and the Tao Restaurant appear to be a single continuous endeavor. It's not clear to patrons or guests, or to other staff, if the valet stand is for one or the other business. Customers drive up and hand over their cars to the valet and then pick which destination they are patronizing. The Tao, the Highlight, the Dream, and the other restaurants and clubs adjacent to it, appear to use share parking across all the enterprise. I have learned this new Dream 2 hotel plans to use off-site parking at a Relevant Group Hotel just a few hundred feet away on Wilcox. It is my understanding that since Tao Restaurant has relatively few parking spaces but seats 330 most cars for its valet are parked elsewhere off-site.

CONCLUSION

Based on the extensive comments made by others opposing the Project already on the record, incorporated in their entirety by this reference, and based on my observations in this letter it is apparent the Project seems to be merely a component of a larger, urban-resort enterprise. This is an urban-resort envisioned by the owners and corporate officers of the Relevant Group (Applicants) for the southern portion of the city block bounded by Wilcox Ave./N. Cahuenga Blvd. and Hollywood Blvd./Selma Ave. I ask the city planning commission to deny all requested entitlements and certifications for this project; I further ask that a full Environmental Impact Report be done studying the masked significant environmental impacts caused by the resulting development.

Respectfully,

A handwritten signature in black ink, appearing to read 'Daniel Pope', written over a horizontal line.

Daniel Pope

Attachments: [pages 4-8]

General Managers & Assistant General Managers



ANDREW SIDMON
General Manager
AVENUE



NICHOLAS QUINTANAR
General Manager
HIGHLIGHT



KEVIN BRADY
General Manager
TAO Restaurant



BRINDAN DUTTON
General Manager
Beauty & Essex



BILLY LOCKE
General Manager
Luchini



JONATHAN WADE
Assistant General Manager
AVENUE



KONSTANTINOS KARILAFKAS
Food & Beverage Manager
HIGHLIGHT | DREAM



ERYCK CHAURUZ
Assistant General Manager
TAO Restaurant



PATRICK PRUD'HOMME
Assistant General Manager
Beauty & Essex

HOLLYWOOD INTERNATIONAL REGIONAL CENTER (HIRC)



RICHARD HEYMAN
Principle



GRANT KING
Principle



DEMETRIUS FARRELL
Director of
Development



ELENA PIKOR
Vice President of Finance &
Asset Management



SCOTT BARACK
China Director HIRC



ANDREW SHAINE
Chief Financial Officer

THE HIGHLIGHT ROOM AT BRIAN HOLLYWOOD

We do not offer parking for Highlight Room employees. Employees are encouraged to use public transportation, UBER/LYFT, street parking and/or one of the parking lots or garages in the neighborhood.

MANAGER OFFICE

The manager office is never to be considered employee space or "break room." No staff at any time should be in the offices without a manager present and manager approval. You must be courteous to others in the office at all times. Disruption of management offices will not be tolerated under any circumstances.

FIRE SAFETY

Before the start of business every night, check your area, and locate a fire extinguisher. It is your responsibility to know where the fire extinguishers are and how to use them. As part of your training, periodic instruction will be given as to the details of fire extinguisher use. In case of emergency evacuation, the rendezvous point and proper exiting routes will be reviewed.

DINING at TAO GROUP RESTAURANTS

We are happy to have you dine with us as a guest. If you wish to dine as a guest in the restaurant, a discount will be given as per the below guidelines. If you wish to be a guest at any of the company properties on a day off, we require you to inform the General Manager or Assistant General Manager so a reservation can be made. Unfortunately, if you decide to make a reservation on your own or if you choose to come in without a reservation or without Management approval, you may not receive a discount. Luchini does not offer reservations, however you can use your discount sitting at one of the tables (bar not included). Discounts and/or incentives do not apply during peak hours.

Discounts are not available unless you are dining at the table. Please remember to tip your server on the total amount before discount.

The employee discounts and guidelines are as follows:

- All exempt employees are given a 50% discount for them and up to 1 guest; if they have more than one guest, it is a 30% discount.
- All non-exempt employees are given a 30% discount for them and up to 1 guest; if they have more than one guest it is a 20% discount.
- The employee **MUST** be present and eating to receive the discount.
- The discount **CANNOT** be used with other discounts such as Buddha \$\$ or comps from Management.
- The discount **CANNOT** be used during prime time (Sun-Wed 6:30-10:30 pm, Thurs-Sat 6:30-11:00 pm) and **CANNOT** be used during busy convention weeks or holiday weekends.
- A reservation for dinner **MUST** be made through your department head.
- Anything outside these parameters must go through your department head.

NIGHTCLUB

To better enable our staff to promote the brand, employees may patronize any Company venue on days when they are not scheduled to work. If you wish to be a guest at a Company property, we ask that you first obtain approval from your manager. You must be 21 years of age to visit.

For more information,
visit: www.talozantheater.com



BEAUTY & ESSEX

With an operational pawnshop entrance, the breathtaking design transforms the space into seductive, bi-level, indoor-outdoor restaurant and lounge with a twenty foot chandelier and dramatic crystal chandeliers, perfect for events.

HIGHLIGHTS:

- Dynamic two level space
- Full service bar featuring premium mixology
- Outdoor terrace • courtyard open
- Private dining room
- Acclaimed cuisine by Chef Owen Chitt Senter

To book your reservation click [here](#)

For more information, visit: beautyandessx.com



AVENUE

Evoking the intrigue of a grand estate frozen in time, Avenue re-appropriates traditional design

• 37 ballroom style



TAO ASIAN BISTRO

TAO offers a distinct sense of discovery as guests descend into a multi-level space. The subterranean restaurant is intended to feel as if it has been there for decades but unearthed recently to reveal the artifacts within.

Highlights:

- Dynamic two level space
- Private dining rooms
- Large full service bar featuring premium mixology
- Acclaimed cuisine by Chef Pastore Ralph Bramadella
- Quetzal sculpture with custom animations
- Barrel vault ceiling with original bow trusses



ELEVATED FROM EVERY ANGLE.

pulsing with energy, glamour and a rebellious spirit, Dream Hotels and TAO Group have partnered to create a modern oasis; a California Dream come true. Featuring 178 artfully decorated guest rooms coupled with a vibrant offering of nightlife and dining, Dream Hollywood playfully blurs the lines between fantasy and reality. We invite you to explore and be the star of your own adventure.



HAMPTONS

Parties ▾ People ▾ Food & Drink ▾ Home & Real Estate ▾ Style & Beauty ▾ Sign Up f t i p d Q



Tao Las Vegas partners Lou Abu, Richard Wolf, Marc Packer, Ioan Tepperberg, and Jason Strauss

The 150,000-square-foot property, almost as big as a block of midtown Manhattan, is a new cornerstone for Tao Group, featuring the 300-seat Asian eatery Tao Los Angeles; a rooftop restaurant called the Highlight Room, with a lounge, pool, grill, and views all the way to the Hollywood sign; Beauty & Essex, a flexible dining space with a vintage pawn shop; a nightclub called Avenue—all designed by the award-winning Rockwell Group—as well as Luchini Pizzeria & Bar, designed by Studio Collective, for late-night eating, located conveniently near Avenue. All of the venues are accessible from a pebblestone street created to make the Tao world feel quite intimate, and it does. Ideally for Tao Group, guests will book rooms at the Dream Hollywood—whose interiors, designed by the Rockwell Group, pay tribute to the city's iconic Midcentury Modern architecture—and never have to leave the property, much like an experience in Las Vegas.



HAMPTONS

Parties • People • Food & Drink • Home & Real Estate • Style & Beauty • Sign Up

With five properties under Tao Group's cool canopy and a dream hotel above, Hollywood is having an unexpected resurgence



June 1, 2018

Discover a New Provencal Rosé Without Breaking the Bank, Presented by Château d'Espérance

BEHIND THE SCENES WITH MODERN LUXURY



By Amy Posner and a group of friends, Dream Hollywood is the new destination to go.

The brainchild of four guys who summered in the Hamptons—Noah Tepperberg, Jason Strauss, Richard Weil, and Marc Pader—Tao Group is one of the country's premier restaurant and nightlife companies, with a portfolio that includes the biggest revenue drivers in both New York City and Las Vegas. But it's the group's new property in Los Angeles that is getting a whole lot of buzz right now. It's located in what was once a less-than-appealing part of Hollywood—the corner of Selma Avenue and North Caluenga Boulevard—but Tao Group and its partners at Dream Hotels had a long-term vision to build a community buzzing with nightlife and restaurants, and that is just what they have done. "It's important to put Hollywood back on the map," says Amy Alvarado, general manager of Dream Hollywood. "It's taking it one of L.A.'s oldest neighborhoods, similar to Beverly Hills, West Hollywood and other iconic L.A. locations."

here to search



2:32 PM 6/6/2018



James Williams <james.k.williams@lacity.org>

Case # CPC-2016-2601-VZC-HD-CUB-ZAA-SPR..Selma Wilcox Hotel .. 6421 Selma Ave.

1 message

poonsy6603@aol.com <poonsy6603@aol.com>

Sun, Jun 10, 2018 at 3:36 PM

To: cpc@lacity.org

Cc: james.k.williams@lacity.org

Dear Mr. Williams,

We are submitting comment for the Selma Wilcox Hotel...

Item#10..

Planning Commission Hearing Thursday, June 14, 2018

8:30AM

CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

CEQA: ENV-2016-2602-MND

6421-6429 1/2 & 1699-1604 N. Wilcox Ave.

Thank you, as always,

Jim and Ann Geoghan

To Whom It May Concern:

As area residents impacted by on going noise and music, through the nights from The Dream Hotel and other Roof Top Deck entertainment venues in the area, and many more proposed for the area we would like to express our opposition to the Selma Wilcox (Dream II) Hotel Roof Top Deck with plans for two bars, and the proliferation of more Roof Top Decks in the area.

Three new hotels are going up on Selma Ave.

The Dream Hotel II (Selma Wilcox Hotel), and TWO others..

That's in addition to MaMa Shelter and Dream Hotel on Selma,

That's FIVE HOTELS within TWO Selma Ave. blocks, all have Roof Top Deck entertainment venues and the new ones have proposed Roof Top Decks.

*At least 15 hotels are planned for the area and all will request and get Roof Top Decks.

Residential projects are also including Roof Top Decks.

The Dream Hotel has been a big problem...

It operates an illegal nightclub on their Roof Top.

They have been a problem since their 3rd day of opening.

Last summer they were busted twice for public dancing and twice for charging a cover charge, both of which they are not allowed to do.

Please take this into consideration as you deliberate on Dream Hotel II, which has plans for TWO Roof Top Bars...

When these projects are presented at hearings and at our Neighborhood Council Meetings, all kinds of promises are made regarding noise, music, cut off hours, claiming communities will be respected..everything to appease stakeholders

and curry favor and garner support and approval from NC board members.

But they do not keep their promises.

So what happens as 17 more hotels with Roof Top Decks go up, many on residential streets, in addition to all the residential projects planned for the area, also requesting Roof Top Decks?

Who will be monitoring all these open Roof Top Deck entertainment venues?

Is 'Residential Hollywood' supposed to be calling LAPD, Vice, and contacting Council District CD13, and other CD offices, every day and night, as cumulative music and noise from all these entertainment venues continue every night, throughout the night, and into the wee hours of the morning???

How livable will Hollywood be with 15 more hotels going up here, and many new residential projects, all requesting Roof Top Decks if they're all granted?.

Hollywood is socked in by HILLS to the north and the sound from all these venues goes up into the HILLS with nowhere else to go...

Out of respect for surrounding residential communities, The Hollywood Bowl has regular sound checks.. Maybe our future will be sound checks for all the Roof Top Deck entertainment venues of Hollywood....

Please remember that people and families still do live in Hollywood..

Dancing on roof tops sounds great...and IS great.... in the movies...
...but here, in the real world, where people, and families, live.... and with so many open air Roof Top entertainment venues, the partying and dancing and music should be required to be moved INDOORS by a certain hour.....and SERIOUSLY monitored...

For Hotels and Residential Buildings with intrusive Roof Top Deck entertainment, that don't take this seriously, there should be, and must be consequences.

Better yet, just don't approve them.

Thank you for your attention,

Jim and Ann Geoghan
Whitley Heights
CD4

***By my count, there are another 15 hotels proposed for Hollywood." ...Leron Gubler
New Hotels..Sept. 13, 2017
<http://hollywoodchamber.biz/>

15350 Sherman Way, Suite 315
Van Nuys, CA 91406
Phone 310-469-6700

June 11, 2018

Los Angeles Department of City Planning
200 N. Spring Street, Los Angeles, CA 90012

Re: Responses to “Carrera” Comments on the Selma Wilcox Project (Project)

All capitalized terms herein shall have meaning as defined in the Summary Response provided by CAJA dated June 8, 2018.

Carrera Comment 1

I, and my neighborhood, have some serious concerns about CPC-2016-2601-VZC-HD-CUBZAA-SPR and related cases that are before you.

First, let me be very clear: Our overwhelming concern is with the proposed activated rooftop AND our experience with this applicant. I am asking you to DENY the CUB for the rooftop and to add appropriate conditions to the SPR to protect the community from future abuse of the above-ground outdoor space.

Response to Carrera Comment 1

The comment serves as an introduction to the commenter's concerns, and does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass'n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The concerns are expanded in the comments below. Each concern is also responded to below.

Carrera Comment 2

I hope you're aware that there's an over-concentration of alcohol sales in Hollywood. The community is vastly impacted from the negative effects of so much alcohol and the people and behavior that it attracts. Noise is one of the greatest impacts that the people who live here deal with. Outdoor/rooftop locations are the most egregious creators of this disruptive and invasive noise. Outdoor ground level spaces have been horrible enough, but once the source of the noise is outside and put up into the air, even 30 feet up, it multiplies the problem. Two rooftop uses in the recent past, The Kress and Drai's at the W Hotel, both caused awful problems. I used to hear the Kress every night it was open and it was on Hollywood Blvd. and well over 1600 feet away from our house (per Zimas). The rooftop was entitled and sworn to be a quiet bar for 36 people with "background, ambient music only" by this same applicant, Richard Heyman. Soon after opening it became a full-on nightclub with blasting music and flashing lights. Currently we are experiencing problems from the new Dream Hotel's rooftop at 6417 Selma, next door, which is also the same applicant and operators before you on this case. Though the intent of its CUB conditions are clearly for it not to be a disruption, it is being operated at night as a nightclub, and has been a disruption. It can serve alcohol till 2AM and has a 4AM closure. It lacks tight, detailed conditions, and has no expiration, hence no incentive to operate responsibly. If it had a earlier closure, this would not be happening. Nightclubs, including this one, don't even start to get loud and packed until 11:30PM-12 midnight.

It is not just rooftop bars that have been a problem, but bars outdoors of any kind that are not properly conditioned. At 1430 Cahuenga is a nightclub called Lure with an outdoor patio that for years we've had terrible noise issues with. I live over 1000-feet away (according to Zimas) and this is what I often experience: With the TV on, I will hear and feel a thumping bass and music that sounds like someone is parked in front of our house blasting their car stereo. See case file ZA 2004-5422(CUB)(ZV)(PA2) for more details of the problems we experience here.

These are not one-off anecdotes but are quite common with outdoor/rooftop spaces. Rooftop uses are generally harder to trace if and when they become a problem, and the LAMC noise ordinance is all but useless. How does one measure DB levels at the property line when the source is 160-feet in the air? In general, noise impacts are very erratic, arbitrary, and unpredictable. One location will be greatly impacted and a few feet away it will be minimal. Noise issues can change with the weather and which way the wind is blowing. When nightclubs and bars are at ground level, at least the noise is easily traced and more predictable and contained, but when raised in the air the impacts change and so does any accountability. Furthermore, a lot of operators don't care about noise

violation tickets, figuring it as the cost of doing business and in no way are citations a disincentive for them. Events might earn the operator tens of thousands (even hundreds of thousand) of dollars a night, why would they care about a \$200 ticket? Regardless, there is scarce and difficult enforcement for these quality of life issues, which is why the discretionary actions before you should be carefully considered and responsibly decided.

Hollywood has seen an explosion of hotel-with-activated-rooftop-development projects in the last couple years with at least 6 other hotel rooftops within 500-feet of this hotel. When the radius is widened out to 1,500- feet, there are at least 10. This is an important and significant fact. So many rooftops serving alcohol will clearly have a cumulative noise impact, and with so many competing potential suspects, make enforcement of noise regulations daunting if not outright impossible.

There are only a few conditions in a Zoning Administrators tool bag to prevent these locations from becoming de facto nightclubs. They are an earlier closing time, no Live Entertainment/DJ, no amplified music, and no cover charge/restricted access. CUB's should have effective, all-encompassing, comprehensive conditions for a worst-case scenario. Many CUB's lack them and it makes enforcement frustrating and exhausting, and a waste of resources in time and money for LAPD and the City.

It is also easier to apply conditions ahead of time than try and add them after problems arise. Getting a bad operator to comply and be a good neighbor is not an easy task. Not only does it require a lot of resources from LAPD, Building and Safety, and Planning, it is not an expeditious process. Revocation of a grant typically takes 3-6 years. In the meantime, neighbors and the community suffer.

In the past, I have recommended rooftop CUB conditions that are helpful in preventing these worst case scenarios from happening. This project/applicant is different. They have a track record and I have to say, shame on me, because they have not fooled me just once, but twice.

Response to Carrera Comment 2

Contrary to the statement the project is a party hotel, as identified in the MND as the Project's objective the intent of the Project is to:

- Develop a site that combines hotel, retail, and restaurant uses.
- Support infill development and redevelopment in existing urban areas to reduce "greenfield" development and urban sprawl.
- Respond to the continuous demand for new hotel rooms in the City and specifically in the Hollywood sub-market, as identified in the Report of the Chief Legislative Analyst to the Members of the City's Housing, Community and Economic Development Committee dated August 6, 2013.
- Provide a lodging option for leisure and business travelers, tourists and visiting friends/relatives of local residents.
- Target an underserved segment of the tourist market with a hotel concept in Hollywood with proximity to some of the region's most popular tourist, cultural and entertainment destinations.
- Leverage the billions of public investment dollars on local transit facilities and infrastructure, including the Metro Red Line stations located nearby.
- Construct an iconic, contemporary hotel project on Selma Avenue, near Cahuenga Boulevard.
- Contribute to the economic recovery of the City by developing hotel uses that generate local tax revenues, provide new jobs, and host hotel guests who support local businesses, including dining, shopping and entertainment venues nearby.
- Create an architecturally-inspired development that is economically sustainable and compatible with surrounding land uses.

It is true that the Project is seeking a Conditional Use Beverage ("CUB") for the on-site sale and dispensing of alcoholic beverages incidental to a proposed 114-guestroom hotel and restaurant. The Applicant and the Project will adhere strictly to the requirements and conditions set forth in the CUB, including Standardized Training for Alcohol Retailers for all employees involved with the sale of alcoholic beverages.

As thoroughly analyzed in the MND and related Appendix G to the MND, the Project's ambient background music and pool noise levels would be substantially similar to existing ambient noise levels associated with the heavily urbanized project site vicinity. (MND, pg. 4-102 – 4-103.) In addition, any noise levels generated on the pool deck or in the penthouse restaurant would be reduced with distance (approximately 115 feet above grade), and attenuation would be provided by the proposed 6-foot plexiglass wall and perimeter landscaped buffer. According

to the FHWA Noise Barrier Design Handbook, plexiglass carries a sound transmission loss value of approximately 22 dBA. Based on the factors identified above, impacts with respect to noise levels associated with the penthouse and pool deck would be less than significant. Out of an abundance of caution, the Project applicant is also required provide the adjacent uses to the north, south, and west, a building manager contact and phone number to report any loud, unnecessary, and unusual noise, which disturbs the peace or quiet for those uses. This analysis, coupled with the applicable mitigation measures and compliance with local regulations, satisfies CEQA requirements.

Carrera Comment 3

As I mentioned earlier, the same applicant before you in this case worked to entitled the Kress and was insistent on the rooftop use. I used to hear the Kress every night it was open and it was on Hollywood Blvd. and well over 1600 feet away from my house. The rooftop was entitled and sworn, by this same applicant, to be a quiet bar for 36 people with "background, ambient music only", but soon after opening became a full-on nightclub with blasting music and flashing lights. He explained it away by blaming it on the operator and that he was not at fault, even though he was the one that vouched for it.

The second example we have from this applicant AND operator is right next door at the Dream Hotel, 6417 Selma, at their rooftop called the Highlight Room. Again, they swore and promised repeatedly that the rooftop would not be a nuisance. It is and has been since it's third day of opening. It clearly operates as a nightclub. When I am impacted by noise, I just do not guess who the violator is. When I have the energy and intend to complain, I get up and trace the noise. After lying in bed past midnight and hearing songs clear as day, I have traced the noise many, many times to the Highlight Room. Please confer with LAPD VICE what kind of operator they have been. I know in the past, they have been cited at least twice for Public Dancing (I believe the pool gets covered to turn into a dance floor) and at least twice for requiring an admission/cover charge/table fee to get in. Both of which they are not allowed to do. I do not know the latest enforcement actions, but keep in mind that the real impactful time is the better weather of summer and fall, which I am not looking forward to. Many reviews on Yelp also attest to it being a club, and their own website has pictures and advertises DJ's, which aren't allowed.

Response to Carrera Comment 3

Please see Response to Carrera Comment 2.

This comment is unsubstantiated opinion and speculation. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393 [substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is inaccurate or erroneous, not credible, or evidence of economic or social impacts that do not contribute to or are not caused by physical environmental impacts].) The comment does not raise any new CEQA issues and does not require any change to any conclusion in the MND. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the Project may cause significant adverse impacts (Pub. Res. Code § 21166; CEQA Guidelines § 15162).

Carrera Comment 4

In considering CUB's, a lot of emphasis has always been placed on the operator and the operation and if they have a track record or not. These guys do, and it's not good. They have a long history of misrepresentation and manipulation. They're not honoring their conditions next door, they've pulled shenanigans (which I will discuss) already on this project, and they don't deserve any benefit of doubt. There is no doubt, we know what they do and have done.

I ask that the rooftop CUB be DENIED and conditions be applied to the SPR to thwart an end run such as special events and ABC one-day catering permits. Requested SPR conditions regarding the rooftop are:

- closing time of 10PM
- no amplified music
- no live music
- no live entertainment
- no DJ/karaoke
- no dancing
- no special events
- Any music, sound, noise, or vibration shall not be audible or felt beyond that part of the premises which is under the control of the applicant - After-hour use of the facility, other than routine maintenance and clean-up, is not permitted
- The applicant shall not sublet the premises to outside "promoters" for nightclub activity.

Response to Carrera Comment 4

Please see Response to Comment 2.

This Comment does not allege any significant impact as defined by CEQA. Moreover, the Applicant is not required to incorporate or analyze any or all of the opposition's suggestions, such as the inclusion of noise reduction measures into this Project when there are no identified impacts. (*In re Bay-Delta Programmatic Env't'l Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1157, 1164.)

Carrera Comment 5

The second major issue we have with the project is the fact that it is illegally piecemealing its entitlements under CEQA. On January 14, 2016 I wrote DCP a letter (attached) regarding ZA 2015- 2671 (CUB), ENV 2015-2672-MND at this same location, 6421 West Selma Ave., 90028, by this same applicant, and clearly informed Planning of the applicant's intention for the property.

My letter stated: "The applicant is the same owner/developer/applicant for the abutting property under construction to the east at 6415 Selma (Dream Hotel I), in which the recent entitlement CPC-2007-3931-ZC-HD-CU-CUP-ZV-SPR, and most recent ZA 2013-3504(ZV) which was considered by the City in the spring of 2014, were sought and granted. At the latest time of those entitlements, the project before you (and more) was planned and known by the applicant and not disclosed in any CEQA document or action.

The attachment "HIRC- Marketing-Company Teaser" is the applicant's fundraising brochure that clearly shows the restaurant "Tao" presented in ZA 2015-2671/ ENV 2015-2672-MND before you. It also shows their plan for another hotel (in the past known as Dream II) where the ostensibly now declared one-story retail building has been submitted as part of this project before you. The date on the brochure appears to be 4-11-2014. I received this brochure in May of 2014 and was contacted much earlier than that about a "Dream II" project. There are a few other red flags about the piecemealing than just the brochure. Please review the building permit history for 6421 Selma, the project before you. Apparently they were claiming at first, and for a long time, that they intended to build three levels, approx. 60,000 sq. ft., of underground "storage". It seemed so ridiculous that not even Building & Safety bought their ruse. It has now been declared to be just what it looks like- parking. Could it be parking for a future hotel that they plan to build but that they are not divulging? Please investigate the building permit history with Building & Safety. Furthermore, why is the applicant listed as "6421 Selma Wilcox Hotel, LLC" if they do not plan to build a hotel here? "

As I pointed out in that letter, and reiterate here, to not file all foreseen applications and requests at the same time is to piecemeal a project and a serious and clear violation of CEQA. This opens the City up to costly litigation if allowed to continue. It was unmistakably obvious at that time, January of 2016 that the applicant would later file for future discretionary actions, which by their own admission in their brochure they had planned, and they now have sought. And if a layperson like myself could plainly see that those entitlements would be sought in the future, it is more than reasonable to expect that the professionals in the Planning Dept could see it as well, and can see it now in retrospect. It is a clear disregard for the law. Based on the premeditated strategy to entitle the project in pieces, all the discretionary actions before you should be DENIED.

Response to Carrera Comment 5

For purposes of CEQA coverage, a "project" is defined as comprising "the whole of an action" that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines § 15378(a).) Thus, the term "project" refers to the activity for which approval is sought, not to each separate governmental approval that may be required for the activity to occur. (CEQA Guidelines § 15378(c).) Under this definition of a project, the lead agency must describe the project to encompass the entirety of the activity that is proposed for approval. This ensures that all potential impacts of the proposed project will be examined before it is approved. (CEQA Guidelines § 15378(a), (d).) The project description should not include existing, ongoing activities not proposed for approval even though they may be related to the activity that is proposed for approval. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591; see also, *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.) Related activities that are similar in nature and that serve the same purpose are separate projects (as opposed to a single project) if they are independently considered for approval and one activity is not a foreseeable consequence of the other. (*Sierra Club v. West Side Irrig. Dist.* 2005) 128 Cal.App.4th 690 [city's agreements with two water districts for assignments of rights to Central Valley Project water were separate projects because the assignments were independent of each other and were approved by separate irrigation districts].)

In *Laurel Heights v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, the court set forth the standards for determining whether reasonably foreseeable future activities must be included in a project description and for determining whether the impacts of those activities must be analyzed in an environmental document. The court established a two-pronged test (*Id.* at 396):

We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

This standard is consistent with the principle that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences. (*Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-284.)

For the first prong, the Project is not a reasonably foreseeable consequence of the Dream hotel and/or the Tommie hotel projects because each activity can operate successfully and without the development of the other. Moreover, neither the Project, the Dream hotel nor any other hotel are conditioned upon completion of the other in the way that other piecemealing CEQA cases have articulated. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 [because there was a strong connection between the road alignment and the completion of the proposed home improvement center, the court concluded that the home improvement center and the road alignment were part of a single CEQA project, even though they could have been completed separately]; *El Dorado County Taxpayers for Quality Growth*, 122 Cal.App.4th at 1600 [future expansion was not a foreseeable consequence of project approval because decision to allow future expansion would depend more on environmental, social, and political factors].)

Put succinctly, each of the hotel projects are legally required to be independently considered and not a foreseeable consequence of the other. The hotels have independent utility, are located on separate legal lots and, in the case of the Tommie hotel, located on a separate city block, and are not predicated on each other. Denial of one would not eliminate the effectiveness of the other two. The prior approval of the Tommie hotel and Dream hotel projects and its current independent commercial use demonstrates severable utility of each hotel project. Moreover, this evidence demonstrates this is not a piecemeal approach, but a conscientious approach to develop separate parcels with similar uses.

For the second prong concerning a change of the initial project, the Project would not change neither the Tommie nor the Dream hotels, and vice versa. As stated above, the City has previously considered and approved the development of the Tommie hotel and Dream hotel projects; the Project's use was neither included nor intended to be a part of the original development of those separately-operated hotels. Furthermore, the Project will not expand the density and/or intensity that is included in the current Tommie hotel and Dream hotel configurations.

Carrera Comment 6

Zone Variance

LAMC Section 12.27

1. That strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the Zoning regulations.

Denial of the request to permit outdoor dining on the rooftop will not result in practical difficulty or unnecessary hardship. This fact is best supported by the existence of viable hotels in Hollywood that do not have rooftop bars.

The general purpose and intent of the zoning regulations are defined in Section 12.02 of LAMC “to encourage the most appropriate use of land; to conserve and stabilize the value of property.... and to promote health, safety, and the general welfare all in accordance with the comprehensive plan.” Outdoor and rooftop bars have already proven to be disruptive and problematic. Enforcement of the Noise Ordinance is virtually non-existent and when eventually pursued is ineffectual and a waste of City resources. Rooftop bars run down surrounding property values and degrade the health and general welfare of surrounding community members through lack of sleep.

2. That there are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The lot in question is flat, rectangular and free of any obstructions whatsoever. There are no limiting physical conditions, special circumstances, topography, location or surroundings of any kind that necessitate this variance. The applicant may be trying to put too much on the lot, but there is nothing about the lot that is any different or disadvantaged than any other lot in the vicinity. This finding simply cannot be made.

The applicant states in their findings that “ the Property’s unique features” are different to other properties in the immediate vicinity. How, and what is unique about this property? They do not say, and it is a fact that there is nothing unique about this property or a difference in any other property nearby.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

The variance is clearly not necessary for preservation and enjoyment of a substantial property right in the vicinity. For every hotel with rooftop bar in the area, I can show you 3 hotels without a rooftop bar. There is no special circumstances, practical difficulty, or unnecessary hardships that necessitates this variance. The applicant just wants to make more money. If there were any of those things, every ad all hotels would have rooftop bars.

4. That the granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The granting of the variance WILL be materially detrimental to public welfare in the vicinity. The residential buildings in the immediate area and the residential neighborhood near by will have a lower quality of life and suffer from the impacts of this project. A rooftop deck without will create intrusive noise for all the surrounding residences within 2000 feet, possibly further. A rooftop with 100 people, let alone 277 plus, only talking could easily negatively affect the area within 1000 feet. This is one reason why LAMC Section 12.14-A,1(b)(3) requires a variance for outdoor eating areas above ground level. This is not conjecture on my part. We have a lot of experience living around a lot of alcohol consumption, clubs, restaurants and bars. We have experience with rooftop bars. Two rooftop uses in the recent past, The Kress and Drai’s at the W Hotel, both caused awful problems. The Kress is particularly relevant here because the same applicant before you in this case worked to entitled the Kress and was insistent on the rooftop use. I used to hear the Kress every night it was open and it was on Hollywood Blvd. and well over 1600 feet away from my house. The rooftop was entitled and sworn, by this same applicant, to be a quiet bar for 36 people with “background, ambient music only”, but soon after opening became a full-on nightclub with blasting music and flashing lights. Currently we are experiencing problems from the new Dream Hotel’s rooftop at 6417 Selma. Though the intent of its CUB conditions are clearly for it not to be a disruption, and not operated as a nightclub, it is being operated at night as a nightclub, and has been a disruption. Nightclubs and bars don’t even start to get loud and packed until 11:30PM-12 midnight.

Rooftop uses are harder to trace if and when they become a problem, and the LAMC noise ordinance is all but useless. How does one measure DB levels at the property line when the source is 100-feet in the air? Furthermore, a lot of operators don’t care about noise violation tickets, figuring it as the cost of doing business and in no way are citations a disincentive for them. Events might earn the operator tens of thousands of dollars a night, why would they care about a \$200 ticket? Regardless, there is virtually no enforcement for these quality of life issues.

5. That the granting of such variance will not adversely affect any element of the General Plan.

The granting of the variance WILL adversely affect the Noise Element and Framework Element of the General Plan. Chapter III of the Noise Element of the General Plan states that the Goal of the Plan is “ A City where noise does not reduce the quality of urban life.” Objective 2 (Non airport) of the Plan states “ Reduce or eliminate non-airport related intrusive noise, especially relative to noise sensitive uses.” The Policy states “ 2.2 Enforce and/or implement applicable city, state and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance.” Objective 3 (Land Use Development) of the Plan states “Reduce or eliminate noise impacts associated with proposed development of land and changes in land use”, and the Policy states” Develop land use policies and programs that will reduce or eliminate potential and existing noise impacts.”

Goal 3C and Objective 3.7 of the Framework Element of the General Plan state “Multi-family neighborhoods that enhance the quality of life for the City’s existing and future residents” and “Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents’ quality of life can be maintained or improved” respectively.

The residential buildings in the immediate area and the residential neighborhood near by will have a lower quality of life and suffer from the impacts of this project. A rooftop deck will create intrusive noise for all the surrounding residences within 2000 feet, possibly further. Not only is there existing residential neighborhoods within 600- feet, there are three future mixed-use developments directly to the north and south of this project within 200-feet. The hotel with the rooftop proposed does not conform to the General Plan cited above.

Response to Carrera Comment 6

The Project does not include a variance request. The Project Description in the MND does not include such a request. Furthermore, as provided in the Notice of Public Hearing for the joint Advisory Agency and Hearing Officer Hearing on March 28, 2018, the requested actions include a Vesting Tentative Tract Map, Vesting Zone Change and Height District Change, Conditional Use Permit for Alcohol, Zoning Administrator's Adjustment for Reduced Side and Rear Yards, and Site Plan Review. The Vesting Tentative Tract Map, Case No. VTT-74406, has since been withdrawn by the Applicant. Accordingly, this comment regarding the sufficiency of variance findings is misplaced. Variance findings are not required

Carrera Comment 7

Site Plan Review

LAMC Section 16.05

1. That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The Project is NOT in substantial conformance with the purposes, intent and provision of the General Plan and Hollywood Community Plan.

Chapter III of the Noise Element of the General Plan states that the Goal of the Plan is "A City where noise does not reduce the quality of urban life." Objective 2 (Non airport) of the Plan states "Reduce or eliminate non-airport related intrusive noise, especially relative to noise sensitive uses." The Policy states "2.2 Enforce and/or implement applicable city, state and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance." Objective 3 (Land Use Development) of the Plan states "Reduce or eliminate noise impacts associated with proposed development of land and changes in land use", and the Policy states "Develop land use policies and programs that will reduce or eliminate potential and existing noise impacts."

Goal 3C and Objective 3.7 of the Framework Element of the General Plan state "Multi-family neighborhoods that enhance the quality of life for the City's existing and future residents" and "Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents' quality of life can be maintained or improved" respectively.

The residential buildings in the immediate area and the residential neighborhood near by will have a lower quality of life and suffer from the impacts of this project. A rooftop deck will create intrusive noise for all the surrounding residences within 2000 feet, possibly further. A rooftop with 100 people only talking could easily negatively affect the area within 1000 feet. This is one reason why LAMC Section 12.14-A,1(b)(3) requires a variance for outdoor eating areas above ground level. The hotel with the rooftop proposed does not conform to the General Plan cited.

The 1988 Hollywood Community Plan, Objective #3 states "To encourage the preservation and enhancement of the varied and distinctive residential character of the Community...". Under the Policies Chapter, Land Use, Commerce, Features headings, the Plan states for the Hollywood Center (both sides Hollywood and Sunset Blvds., between La Brea and Gower) that "Future development should be compatible with existing commercial development, surrounding residential neighborhoods, and the transportation and circulation system. Developments combining residential and commercial uses are especially encouraged in this Center area." Though this project is not considered to be in the Center, the spirit that the Community Plan encourages here applies.

The hotel rooftop deck proposed, will not enhance any surrounding residential community and is against the idea for the Center to be built with residential and commercial uses that coexist and operate in harmony with each other. The project is not compatible with surrounding residential neighborhoods as the Plan desires.

2. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

The project will not be compatible with existing and future development on adjacent and neighboring properties, mainly due to it's activated rooftop.

3. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

The Project is not a residential project. It is a business operation and with an activated rooftop that does not minimize impacts to its neighbors but generates impacts to its neighbors.

Response to Carrera Comment 7

CEQA does not require the Applicant to be in strict conformance with the General Plan's goals, as goals are qualitative in nature; designed to provide policy guidance rather than to specify a regulatory requirement or prohibition. In order for the City to make a finding for Site Plan Review ("SPR") that a particular project is in substantial conformance with the General Plan, CEQA only requires that the Project be "*compatible* with the objectives, policies, general land uses, and programs specified in" the applicable plan. (Govt. Code § 66473.5.)

The courts have interpreted this provision as requiring that a project be "in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail" of it. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678 [administrative record supported city's finding, as required by general plan, that Emporium Building retained no substantial market value in its existing condition]; *Naraghi Lakes Neighborhood Pres. Ass'n v. City of Modesto* (2016) 1 Cal.App.5th 9, 17.)

Nevertheless, and contrary to the comment, the Project is in conformance with the Noise Element's Objective 2 and Policy 2.2., as well as Objective 3 of the Land Use Element. While live entertainment and amplified music is contemplated, it is only proposed inside the ground floor restaurant area, and the fully enclosed rooftop bar/lounge area. No live entertainment or amplified music is proposed for the outdoor areas of the Project, including the outdoor pool and lounge area of the rooftop. By only requesting live entertainment and amplified music within these enclosed areas, the Project reduces non-airport intrusive noise to adjacent properties.

Further, the Project is in conformance with Objective 3 of the Hollywood Community Plan. The general plan's framework element identifies the Regional Center Commercial land use as "the focal points of regional commerce identity, and activity." (Framework Element, Chapter 3, Section 3). The framework element further defines Regional Center Commercial as containing "a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services." The Project proposes a mixed-use 114 guest room hotel building in a highly urbanized and commercial neighborhood adjacent similar hospitality uses, and is on a site with a land use designation of "Regional Center Commercial".

The comment is unsubstantiated opinion and speculation. Under Public Resources Code section 21082.2(c), "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

Carrera Comment 8

Conditional Use Beverage

LAMC Section 12.24-W,1,

1.) that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.

A rooftop with alcohol service will NOT provide a service that is essential, and especially will NOT be beneficial to the community. It will have the great potential to be a nuisance to the community by disturbing thousands of residents in the quiet enjoyment of their property.

Both food and alcohol are readily and widely available in the immediate area, so the project will not be providing any service to the community than the community already has in abundance.

2.) that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;

The operation and significant feature of rooftop alcohol sales will degrade the surrounding neighborhood, both commercial and residentially zoned. More alcohol in an already alcohol over-concentrated area will further jeopardize public safety via drunk driving, and the accompanying crime and behavior that goes along with so much alcohol consumption.

3.) *that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan*

The project does NOT conform to the purpose, intent or provision of the General Plan. Chapter III of the Noise Element of the General Plan states that the Goal of the Plan is "A City where noise does not reduce the quality of urban life." Objective 2 (Non airport) of the Plan states "Reduce or eliminate nonairport related intrusive noise, especially relative to noise sensitive uses." The Policy states "2.2 Enforce and/or implement applicable city, state and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance." Objective 3 (Land Use Development) of the Plan states "Reduce or eliminate noise impacts associated with proposed development of land and changes in land use", and the Policy states "Develop land use policies and programs that will reduce or eliminate potential and existing noise impacts." A rooftop bar and special events will create intrusive noise for all the surrounding residential areas within 2000 feet, possibly further. A rooftop use with just 100 people only talking and under the influence of alcohol could easily affect residential area within 1000 feet, depending on weather. This is one reason why LAMC requires a variance for outdoor eating area above ground level. Any rooftop use does not conform in any way to the General Plan cited. In the 1988 Hollywood Community Plan, Objective #3 states "To encourage the preservation and enhancement of the varied and distinctive residential character of the Community...". Under the Policies Chapter, Land Use, Commerce, Features headings, the Plan states for the Hollywood Center (both sides Hollywood and Sunset Blvds., between La Brea and Gower) that "Future development should be compatible with existing commercial development, surrounding residential neighborhoods...Developments combining residential and commercial uses are especially encouraged in this Center area." Any rooftop bar use, with or without live entertainment, amplified music, special events, etc. will not enhance any surrounding residential community and is against the idea for the Center to be built with residential and commercial uses that coexist and operate in harmony with each other as the Plan desires.

Response to Carrera Comment 8

While the CUB for alcohol is included on the list of discretionary actions, it does not in and of itself, have a nexus to any CEQA thresholds or impact categories. Under Public Resources Code section 21082.2(c), "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." The findings required for the issuance of a CUB are separate from the CEQA findings required for the Project.

Carrera Comment 9

The three additional Findings required for alcohol use (and my response):

1.) *that the proposed use will not adversely affect the welfare of the pertinent community;*

Rooftop alcohol sales and consumption will negatively affect the community, as has already been stated, and as has already been demonstrated in the past at such venues as The Kress (6608 Hollywood Blvd.). This type of use will cause the surrounding residential areas to deteriorate. Quiet, law abiding and beneficial persons being negatively impacted from rooftop intrusive noise will abandon the community and move to areas without such problems. The only people who will want to live here will be young and here to "party". I have seen this happen in sub- neighborhoods and certain apartment buildings in Hollywood for the last 12 years. The good residents leave because of all the nightclubs, noise, drinking and partying that goes on in Hollywood. This is a fact and the results of rooftop CUB's do not need speculation or hypothesis. We know what happens when people and alcohol and elevation are combined in the out of doors. Residents and community suffering is the outcome.

2.) *that the granting of the application will not result in an **undue concentration** of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area;*

There is an overconcentration of alcohol licenses in the area. The pending license is in Census Tract 1907. It has 54 on-sale retail licenses! This more than abundantly serves the public convenience. The Census Tract is permitted to have a maximum of 3 on-site licenses. The Census Tract does not need one more and aside from this application before you there are many more in the planning stages. This is an over-concentration by any definition the weight of so many establishments is crushing the area. It does not need more.

3.) that the proposed use **will not detrimentally affect nearby residentially zoned communities** in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, -hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine

The proposed use WILL detrimentally affect nearby residentially zoned communities because it is an outdoor bar and special events that is not enclosed and 100 feet in the air. This fact has been demonstrated over and over in the immediate area including right next door at the applicant own Dream Hotel. To reiterate that set of facts- they not following the rules there, they most likely will not do it here.

Response to Carrera Comment 9

See response to Comment 8.

Carrera Comment 10

MND:

The MND is wholly inadequate in regards to operational noise. First off, there is a discrepancy between the hearing notice and the MND in regards to the rooftop seating. The Hearing Notice states 187 seats for the roof deck. The MND studied seating for 73 on the roof, a difference of 114 seats, which is extremely significant. It is also in complete denial about the impacts from actual operating rooftops such as Dream. The MND also states: "This rooftop area could host events including DJ performances with amplified music". The Hearing Notice does not state that live music is being sought.

Response to Carrera Comment 20

The rooftop seating was the result of clarifications of the Project plans that occurred as the design was advanced to improve circulation on the ground floor and rooftop amenity deck. A Technical Update was provided to the City on March 15, 2018 that analyzed the rooftop changes. The updates do not raise any new CEQA issues and do not require any change to any conclusion in the MND. As analyzed in the MND, the whole of the Project-related record supports the conclusion that the impacts would be less than significant as proposed.

The Project does not propose any live entertainment use which would require a discretionary approval or which would require noticing as part of the currently sought entitlements. Furthermore, the operating conditions of approval recommended by the Los Angeles Police Department include the following condition, which further restricts live entertainment features:

Live entertainment features are permitted provided that live entertainment performances or offerings are confined to the ground floor restaurant and/or bar/lounge areas. Live entertainment features and/or entertainment performances are prohibited on the rooftop areas of the facility. Live entertainment is subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms. No live entertainment or amplified music is permitted in any patio or outdoor areas.

Carrera Comment 21

Based on the foregoing facts and testimony, I urge you to DENY the Zone Variance and rooftop CUB.

In Los Angeles we all argue over the impacts of new projects. Historical Preservation, parking, traffic, affect us all equally and in our shared spaces. But noise intrusion into someone's home is a completely different thing. I think it is reasonable, and a right, to want to enjoy one's private personal home without someone or something entering and disturbing us.

Response to Carrera Comment 21

The comment constitutes a conclusion to the comment letter. This Comment Letter does not provide substantial evidence or a reasonable argument that supports a finding that further CEQA review of the Project beyond the MND is required or the Project may have a significant environmental impact. As analyzed in the MND, the impacts of the Project are less than significant.



15350 Sherman Way, Suite 315
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Phone 310-469-6700

June 11, 2018

Los Angeles Department of City Planning
200 N. Spring Street, Los Angeles, CA 90012

Re: Summary Responses to Comments on the Selma Wilcox Project (Project)

The City of Los Angeles ("City") prepared a Mitigated Negative Declaration – ENV-2016-1602-MND – ("MND") for a new mixed-use 114 guest room hotel ("Project") located at 6421-6429 ½ West Selma Avenue and 1600-1604 North Wilcox Avenue ("Project Site") pursuant to the California Environmental Quality Act of 1970 (Pub. Res. Code § 21000 *et seq.*) ("CEQA"), CEQA Guidelines¹ and the City's environmental review procedures.

The City received the following four (4) written comment letters related to the Project at the March 28, 2018 Joint Hearing of the Hearing Officer and Advisory Agency (collectively, the "Comment Letters"):

- Sunset Landmark Investments (Silverstein Law Firm), dated March 23, 2018
- David Carrera, dated March 22, 2018
- Casey Maddren, dated March 26, 2018
- Los Angeles Unified School District ("LAUSD"), dated March 26, 2018

Responses to the comments are provided in standalone response letters. The individual comments within the Comment Letters will be provided and identified as **Comment "X"**. The individual comments within the Comment Letters will be identified as **Response to Comment "X"**.

In summary, based on our technical review, the Comment Letters do not raise any new CEQA issues and do not require any change to any conclusion identified in the MND. The Comment Letters do not provide substantial evidence or a fair argument that further review under CEQA is required, or that the Project may have a significant environmental impact. As analyzed in the MND, the whole of the record supports the conclusion that the Project would result in impacts below a level of significance.

Seth Wulkan

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¹ Reference to CEQA Guidelines in the Response to Comments shall mean 14 C.C.R. § 15000 *et seq.*

CAJA is an environmental consulting firm that specializes in environmental planning, research, and documentation for public and private sector clients. For over 30 years, CAJA and its predecessor company Christopher A. Joseph & Associates have offered a broad range of environmental consulting services with a particular emphasis on CEQA and NEPA documentation.

Seth Wulkan has over 10 years of experience and is responsible for all aspects of preparation of environmental review documents. He began his career with CAJA in 2007. Mr. Wulkan is proficient in drafting all sections of environmental review documents; incorporating technical reports into documents; and personally corresponding with public and private sector clients. Mr. Wulkan regularly participates in team strategy meetings from the beginning of the environmental review process through the final project hearings. Mr. Wulkan graduated with college honors from UCLA and completed a Certificate Program in Sustainability at UCLA Extension.



15350 Sherman Way, Suite 315
Van Nuys, CA 91406
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June 11, 2018

Los Angeles Department of City Planning
200 N. Spring Street, Los Angeles, CA 90012

Re: Responses to “LAUSD” Comments on the Selma Wilcox Project (Project)

All capitalized terms herein shall have meaning as defined in the Summary Response provided by CAJA dated June 8, 2018.

LAUSD Comment 1

Presented below are comments submitted on behalf of the Los Angeles Unified School District (LAUSD) regarding the Notice of Public Hearing for the subject project. Due to the fact that Selma Avenue Elementary School is located approximately 700 feet west of the proposed project site, LAUSD is concerned about the potential negative impacts of the project to our students, staff and parents traveling to and from the referenced campuses.

Based on the extent/location of the proposed development, it is our opinion that significant environmental impacts on the surrounding community (traffic, pedestrian safety, etc.) will occur. Since the project will have a significant impact on LAUSD schools, mitigation measures designed to help reduce or eliminate such impacts are included in this response.

Response to LAUSD Comment 1

The comment serves as an introduction to the commenter’s concerns, and does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass’n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.). The concerns are expanded in the comments below. Each concern is also responded to below.

However, in the interest of full transparency, please find the following response. As identified above, the nearest school is Selma Elementary School, approximately 700 feet to the west of the Project Site. However, this does not mean the Project Site is in “close proximity” to any schools. As demonstrated in the MND Section 14(iii), Selma Elementary School would be generally shielded from the Project by intervening residential and commercial buildings on Selma Avenue. These intervening structures and redundant street network ensure that construction and operational activities do not have the potential to impact the normal operation of any school, including bus routes and pedestrian walkways. The study intersections (which currently could include bus routes) would operate at less-than-significant levels. Thus, there would be no impact. The Project does not include any sharp curves, dangerous intersections, or incompatible uses. No off-site traffic improvements are proposed or warranted in the area surrounding the Project Site. Regardless, the Project would notify the LAUSD Transportation Branch regarding proposed construction to ensure that school buses have unrestricted access to schools.

LAUSD Comment 2

Traffic/Transportation

LAUSD's Transportation Branch **must be contacted** at (213) 580-2950 regarding the potential impact upon existing school bus routes. The Project Manager or designee will have to notify the LAUSD Transportation Branch of the expected start and ending dates for various portions of the project that may affect traffic within nearby school areas. To ensure that effective mitigations are employed to reduce construction and operation related transportation impacts on District sites, we ask that the following language be included in the mitigation measures for traffic impacts:

- School buses must have unrestricted access to schools.
- During the construction phase, truck traffic and construction vehicles may not cause traffic delays for our transported students.
- During and after construction changed traffic patterns, lane adjustment, traffic light patterns, and altered bus stops may not affect school buses' on-time performance and passenger safety.
- Construction trucks and other vehicles are required to stop when encountering school buses using red-flashing-lights must-stop-indicators per the California Vehicle Code.
- Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure vehicular safety.
- Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing vehicle routes to school may be impacted.
- Parents dropping off their children must have access to the passenger loading areas.

Response to LAUSD Comment 2

Please see Response to Comment 1 regarding the Project's commitment to contact LAUSD.

Per the MND, temporary impacts to pedestrian safety could occur along Selma Avenue. In this instance, the Project will be required to comply with and obtain approvals from the Bureau of Street Services and the Department of Building and Safety, pursuant to LAMC section 62.45 (Materials or Equipment in Streets, Permits, Regulations, Fees) and section 91.3306 (Protection of Pedestrians). This compliance will ensure the safety of pedestrians, as the construction area could create hazards. The Adopted MND contained Mitigation Measure 16-1, for protections to pedestrians due to construction safety hazards. These have now become incorporated as regulatory measures of the LAMC and the mitigation measure is no longer needed. Therefore, impacts will be less than significance

Additionally, the MND contains two (2) mitigation measures designed to protect pedestrians and school bus operations to the extent they may be impacted by the project construction. The mitigation measures from the MND demonstrate that the Project would include the applicable and required conditions that LAUSD is requesting. It is expected that construction vehicles would be concentrated around the Project Site and not drive near Selma Avenue Elementary.

Specifically, the Project will comply with Mitigation Measure MM-Traffic-1, which would ensure the safety of pedestrians and other vehicles in general, as the construction area could create hazards of incompatible/slow-moving construction and haul vehicles. Intervening structures and redundant street network ensure that construction activities do not have the potential to impact the normal operation of any school, including bus routes and pedestrian walkways. Construction activities would be limited to on-site work. Construction activities do not have the potential to impact the normal operation of any school, including bus routes and pedestrian walkways. Haul trucks and delivery trucks would access the Project Site from Selma Avenue, between Cahuenga Boulevard and Wilcox Avenue. This would not go

near Selma Avenue Elementary. The general haul route is described in Section 2, Project Description, of the MND.

As stated above, construction impacts would be reduced to less than significant levels with Mitigation Measure MM-Traffic-1. The mitigation measure would require that a Construction Traffic Control/Management Plan (the "Plan") be submitted to the LADOT for review and approval prior to the start of construction. The Plan would include information regarding compliance with existing regulations as it pertains to temporary street closures and pedestrian safety measures, as required and approved by the Bureau of Street Services and the Department of Building and Safety.

To the extent mitigation is required, the following mitigation measures address the request made by LAUSD regarding effective mitigation measures to reduce construction and operation related pedestrian safety impacts on LAUSD sites.

- MM-Traffic-1: "A construction work site traffic control plan shall be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction-related traffic shall be restricted to off-peak hours."
- MM-Traffic-3: "The developer and contractors shall maintain ongoing contact with administrator of Selma Elementary School. The administrative offices shall be contacted when demolition, grading and construction activity begin on the project site so that students and their parents will know when such activities are to occur. The developer shall obtain school walk and bus routes to the schools from either the administrators or from the LAUSD's Transportation Branch (213)580-2950 or (213)580-2900 and guarantee that safe and convenient pedestrian and bus routes to the school be maintained."
- MM-Public-1: "Temporary construction fencing shall be placed along the periphery of the active construction areas to screen as much of the construction activity from view at the local street level and to keep unpermitted persons from entering the construction area."

The Applicant will employ construction security features, such as fencing, which would serve to minimize the need for LAPD services. These security measures would ensure that valuable materials (e.g., building supplies, metals such as copper wiring) and construction equipment are not easily stolen or abused, and reduce vandalism. This measure would reduce potential construction impacts on police protection services to a less than significant level.

LAUSD Comment 3

Pedestrian Safety

Construction activities that include street closures, the presence of heavy equipment and increased truck trips to haul materials on and off the project site can lead to safety hazards for people walking in the vicinity of the construction site. To ensure that effective mitigations are employed to reduce construction and operation related pedestrian safety impacts on District sites, we ask that the following language be included in the mitigation measures for pedestrian safety impacts:

- Contractors must maintain ongoing communication with LAUSD school administrators, providing sufficient notice to forewarn children and parents when existing pedestrian routes to school may be impacted.
- Contractors must maintain safe and convenient pedestrian routes to all nearby schools. The District will provide School Pedestrian Route Maps upon your request.
- Contractors must install and maintain appropriate traffic controls (signs and signals) to ensure pedestrian and vehicular safety.

- Haul routes are not to pass by **any** school, except when school is **not** in session.
- No staging or parking of construction-related vehicles, including worker-transport vehicles, will occur on or adjacent to a school property.
- Funding for crossing guards at the contractor's expense is required when safety of children may be compromised by construction-related activities at impacted school crossings.
- Barriers and/or fencing must be installed to secure construction equipment and to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.
- Contractors are required to provide security patrols (at their expense) to minimize trespassing, vandalism, and short-cut attractions.

Response to LAUSD Comment 3

As described in Response to LAUSD Comment 2, the mitigation measures from the MND (text above) show that the Project would include the applicable and required conditions that LAUSD is requesting. It is expected that construction vehicles would be concentrated around the Project Site and not drive near Selma Elementary.

LAUSD Comment 4

The District's charge is to protect the health and safety of students and staff, and the integrity of the learning environment. The comments presented above identify potential environmental impacts related to the proposed project that must be addressed to ensure the welfare of the students attending Selma Avenue Elementary School, their teachers and the staff, as well as to assuage the concerns of the parents of these students. Therefore, the measures set forth in these comments should be adopted as conditions of project approval to offset unmitigated impacts on the affected school students and staff. Thank you for your attention to this matter. If you need additional information please contact me at (213) 241-4674.

Response to LAUSD Comment 4

The comment constitutes a conclusion to the comment letter. This Comment Letter does not provide substantial evidence that supports a finding that further CEQA review of the Project beyond the MND is required or the Project may have a significant environmental impact. As analyzed in the MND, the impacts of the Project are less than significant.



15350 Sherman Way, Suite 315
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Phone 310-469-6700

June 11, 2018

Los Angeles Department of City Planning
200 N. Spring Street, Los Angeles, CA 90012

Re: Responses to “Maddren” Comments on the Selma Wilcox Project (Project)

All capitalized terms herein shall have meaning as defined in the Summary Response provided by CAJA dated June 8, 2018.

Maddren Comment 1

I am writing to express my strong objections to approval of two of the requests listed in the recent hearing notice for this project.

Response to Maddren Comment 1

The comment serves as an introduction to the commenter’s concerns, and does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass’n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The concerns are expanded in the comments below. Each concern is also responded to below.

Maddren Comment 2

A. Piecemealing

This is piecemealing, pure and simple. This project has already been approved. State law prohibits the gradual approval of a project in increments over time. CEQA requires that all requested entitlements be included in the initial project proposal to allow the planning agency to review and citizens to comment on the WHOLE project.

Response to Maddren Comment 2

For purposes of CEQA coverage, a “project” is defined as comprising “the whole of an action” that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines § 15378(a).) Thus, the term “project” refers to the activity for which approval is sought, not to each separate governmental approval that may be required for the activity to occur. (CEQA Guidelines § 15378(c).)

The project description should not include existing, ongoing activities not proposed for approval even though they may be related to the activity that is proposed for approval. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591; *see also, Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.)

Related activities that are similar in nature and that serve the same purpose are separate projects (as opposed to a single project) if they are independently considered for approval and one activity is not a foreseeable consequence of the other. (*Sierra Club v. West Side Irrig. Dist.* (2005) 128 Cal.App.4th 690 [city’s agreements with two water districts for assignments of rights to Central Valley Project water

were separate projects because the assignments were independent of each other and were approved by separate irrigation districts].)

In *Laurel Heights v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, the court set forth the standards for determining whether reasonably foreseeable future activities must be included in a project description and for determining whether the impacts of those activities must be analyzed in an environmental documentation. The court established a two-pronged test (*Id.* at 396):

We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

For the first prong, the current Project was not a reasonably foreseeable consequence of the existing development because each activity could operate successfully and without the development of the other. Put differently, the proposed hotel project could be approved and developed without the prior approval of the existing on-site development. The Project proposes an unforeseen expansion to ensure the land is achieving its best use for the community; however, the existing development's approval was not predicated on and could not predict this subsequent "buildout."

Moreover, neither the proposed development and the existing development are conditioned upon completion of the other in the way that other piecemealing CEQA cases have articulated. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 [because there was a strong connection between the road alignment and the completion of the proposed home improvement center, the court concluded that the home improvement center and the road alignment were part of a single CEQA project, even though they could have been completed separately]; *El Dorado County Taxpayers for Quality Growth*, 122 Cal.App.4th at 1600 [future expansion was not a foreseeable consequence of project approval because decision to allow future expansion would depend more on environmental, social, and political factors].)

Put succinctly, both the proposed Project and the existing development are legally required to be independently considered and not a foreseeable consequence of the other. Each development has independent utility and, while on the same site, are not predicated on each other. Denial of the proposed Project would not eliminate the effectiveness of the existing development.

Maddren Comment 3

B. Alcohol

It is unbelievable that the DCP is considering the approval of yet another liqueur permit in the Hollywood area. LAPD Chief Beck wrote to the DCP in 2014 to explain that the area was oversaturated at that time, and that it was contributing to a rise in violent crime. Since then the DCP has granted many more permits, and violent crime has risen every year. I'm attaching the most recent stats for the Hollywood Division. They show that for the year to date there has been a 25% increase in violent crime over 2017. Between the restaurant, rooftop bar, and the in-room mini-bars, granting this request would allow guests access to alcohol 24/7. Hollywood is awash in booze already, and approving this will only make a bad situation worse.

Response to Maddren Comment 3

As stated in this Comment, the Project is seeking a Conditional Use Beverage ("CUB") for the on-site sale and dispensing of alcoholic beverages incidental to a proposed 114-guestroom hotel and restaurant.

The Applicant and the Project will adhere strictly to the requirements and conditions set forth in the CUB. The CUB recommended conditions of approval require Standardized Training for Alcohol Retailers ("STAR Training"), so all employees involved with the sale of alcoholic beverages shall enroll in the LAPD STAR Training.

While the CUB for alcohol is included on the list of discretionary actions, it does not in and of itself, have a nexus to any CEQA thresholds or impact categories. Under CEQA Section 21082.2(c), "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." The findings required for the issuance of a CUB are separate from the CEQA findings required for the Project.

Maddren Comment 4

To make matters worse, this project appears to be about 500 feet from Selma Elementary School. I was stunned when the DCP approved the Tommie hotel, also on Selma, which will rise on a site about 300 feet from the school, especially since the MND for that project didn't even mention the school in the section entitled "Surrounding Uses". **When we add in the Dream Hotel and Mama Shelter, this means that when all projects are completed we will have four hotels serving a full line of alcohol less than three blocks from an elementary school. While I'm sure the party scene will be most intense at night, these establishments will be serving alcohol throughout the day. Allowing this degree of alcohol concentration in such close proximity to a school will significantly increase the chance of a child being hit by a drunk driver.**

Response to Maddren Comment 4

Selma Avenue Elementary is approximately 700 feet west of the Project Site.

The comment is unsubstantiated opinion and speculation. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393 [substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, evidence that is not credible, or evidence of economic or social impacts that do not contribute to or are not caused by physical environmental impacts].) The comment does not raise any new CEQA issues and does not require any change to any conclusion in the MND. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the Project may cause significant adverse impacts. (Pub. Res. Code § 21166; CEQA Guidelines § 15162.)

Please see Sunset Landscape Response to Comment 6 and LAUSD Responses to Comment 1 and Comment 2.

Maddren Comment 5

C. Live Entertainment

While the hearing notice does not directly refer to live entertainment, it's pretty much certain that this is one of the things that the phrase "other accessory uses" refers to. If this is the case, it is deeply disturbing that the DCP has not explicitly stated that live entertainment will be offered. Citizens rely on public agencies to give complete and accurate information about projects that impact their community. If down the road we find out that the developer is indeed offering live entertainment, it will be clear that the DCP has chosen to provide cover for real estate investors instead of serving the community.

Response to Maddren Comment 5

The Project does not propose any live entertainment use which would require a discretionary approval or which would require noticing as part of the currently sought entitlements. Furthermore, the operating conditions of approval recommended by the Los Angeles Police Department include the following condition, which further restricts live entertainment features:

Live entertainment features are permitted provided that live entertainment performances or offerings are confined to the ground floor restaurant and/or bar/lounge areas. Live entertainment features and/or entertainment performances are prohibited on the rooftop areas of the facility. Live entertainment is subject to any required permits to be reviewed and approved by the Los Angeles Police Commission, as applicable. Live entertainment may include but not be limited to live bands, a DJ or karaoke, provided the latter is not conducted in private rooms. No live entertainment or amplified music is permitted in any patio or outdoor areas.

Maddren Comment 6

I will ask that you deny item 3 (vesting zone change and height district change) and item 4 (CUP for sale of alcohol in conjunction with new restaurant, in-room mini bars, rooftop bar/lounge).

Response to Maddren Comment 6

The comment constitutes a conclusion to the comment letter. The comment letter does not provide substantial evidence that supports a finding that further CEQA review of the Project beyond the MND is required or the Project may have a significant environmental impact. As analyzed in the MND, the impacts of the Project are less than significant.

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June 11, 2018

Los Angeles Department of City Planning
200 N. Spring Street, Los Angeles, CA 90012

Re: Responses to “Sunset Landmark” Comments on the Selma Wilcox Project (Project)

All capitalized terms herein shall have meaning as defined in the Summary Response provided by CAJA dated June 8, 2018.

Sunset Landmark Comment 1

This firm and the undersigned represent The Sunset Landmark Investments, LLC (hereinafter “Sunset Landmark”). Please keep this office on the list of interested persons to receive timely notice of all hearings and determinations related to the proposed approval of an eight-story hotel at 6421-6429 W. Selma Avenue and 1600-1604 N. Wilcox Avenue, commonly known as the Selma Wilcox Hotel Project (“Tao Hotel” or “Project”). Pursuant to Public Resources Code Section 21167(f), provide a copy of each and every Notice of Determination issued by the City in connection with this Project. Sunset Landmark adopts and incorporates by reference all Project objections raised by themselves and all others during the environmental review and land use entitlement processes.

Response to Sunset Landmark Comment 1

The comment serves as an introduction to the commenter’s concerns, and does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass’n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The concerns are expanded in the comments below. Each concern is also responded to below.

Sunset Landmark Comment 2

Sunset Landmark Investments respectfully submits this letter and accompanying exhibits, demanding that the City Council deny all above-referenced applications submitted by the owner/applicant for the following reasons: (1) The entire concept for the Tao Hotel is to create an over-developed, nuisance-generating, “party hotel” as part of a whole line of similar projects developed by the same developer for the purpose of injecting foreign investment money into a place where none of this was planned, and for which the infrastructure is not designed to support. The developer asks for the “sun, the moon, and the stars” when there is not a hint that the scope of this request is appropriate.

Response to Sunset Landmark Comment 2

The comment is unsubstantiated opinion and speculation. (*Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 393 [substantial evidence does not include argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, evidence that is not credible, or evidence of economic or social impacts that do not contribute to or are not caused by physical environmental impacts].) Moreover, this comment does not raise *specific*, significant environmental question, and therefore, does not warrant a response under CEQA. (*Citizens for E. Shore Parks v. State Lands Comm’n* (2011) 202 Cal.App.4th 549.)

Sunset Landmark Comment 3

(2) The City relies upon facially invalid interpretations of LAMC 12.22 A18 and 12.12 C4 (**Exhibit 1** [Summary of Zoning Administrator Interpretation dated May 18, 2000 and Zoning Engineer Memo dated February 10, 2009]) to claim that R5 zone density is permitted on commercially zoned lots in Regional Center Commercial land use designations across the City, including Hollywood, and, even more incredibly,

that the authorized residential unit density limit is “unlimited” as to hotel rooms because City Council failed to specify a guest room limit in LAMC 12.12 C. Based upon these ludicrous interpretations, that are injecting more than double unit density into Regional Commercial Centers across the City without any textual support in the LAMC sections cited, and without environmental review of the cumulative impacts, the City claims the Tao Hotel can have 114 rooms. Thus, the Project as proposed is unlawful because it proposes a project more than 104 hotel rooms which is the lawful number of guest rooms in the C4 or C2 zone in which this site lies. The hotel will therefore be a monster building, twice the size the City planned for in the Hollywood Community Plan, the Hollywood Redevelopment Plan, and the City’s zoning.

Response to Sunset Landmark Comment 3

The comment claims that the City’s interpretation of its code is invalid and therefore, the 114 hotel guest rooms is not permitted in the zone. Los Angeles Municipal Code (“LAMC”) Sections 12.14.C.3 and 12.11.C.4 allow a density of one guest room for every 200 square feet of lot area in the C2 Zone. However, LAMC Section 12.22.A.18.a and two inter-departmental correspondence dated February 27, 2014 (A. Bell) and May 18, 2000 (P. Kim and R. Janovici) provide an exception for properties in the C2 Zone with a land use designation of Regional Commercial to allow the density of the R5 Zone which does not establish a limitation for guest rooms. However, density would be limited by other development regulations, including maximum floor area ratio for the C2 Zone.

Courts may give deference to an agency’s interpretation of a statute or ordinance; however, the degree of deference is fundamentally situational (*Yamaha Corp. of Am. v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12). “A court assessing the value of an [administrative] interpretation must consider a complex of factors material to the substantive legal issue before it, the particular agency offering the interpretation, and the comparative weight the factors ought in reason to command.” (*Id.*) Factors to consider include whether the agency offering the interpretation had written the ordinance under review and whether the agency’s interpretation is one that was consistently maintained and of long standing. (*Id.*)

The City’s interpretation of LAMC section 12.22.A.18.a is memorialized in inter-departmental correspondence from the Office of the Zoning Administrator and is also featured in the Los Angeles Department of Building and Safety’s (“LADBS”) Zoning Code Manual. Additionally, the Department of City Planning has consistently applied this interpretation to developments combining residential and commercial uses. As such, the Project’s proposed density of 114 rooms complies with the C2 Zone and the City’s longtime application of its zoning code regulations.

Sunset Landmark Comment 4

(3) The Project as proposed is inconsistent with the permanent “D” Development Limitation of 2: 1 Floor Area Ratio (“FAR”) imposed on the site as part of the General Plan Consistency Case 86-835-GPC and applicable City ordinances (**Exhibit 2** [Hollywood General Plan/Zoning Consistency Program]). Having imposed this 2:1 FAR limit in 1988 to protect the Hollywood community from negative environmental impacts as part of an extensive General Plan Consistency process (**Exhibit 3** [Ordinance 165660]), the City has no authority under Government Code Section 65860 or CEQA to remove the permanent “D” Development Limitation until:

a. The City demonstrates that the negative impacts of overdense development on Hollywood’s deficient infrastructure have been mitigated to the maximum extent feasible as part of a lawful comprehensive community planning process (and then comprehensively adjust the 1988 General Plan Consistency Program density restrictions in accordance with the comprehensive review of the community planning process); or

b. The City reduces density on other land in the Community Plan area on a 1 to 1 basis for each parcel of land it purports to increase density (in order to maintain the density limit imposed in the 1988 Hollywood Community Plan and Hollywood General Plan Consistency Program). Such a Floor Area Transfer Program was authorized in the Hollywood Community Plan Section 511, but was never implemented by the former redevelopment agency or its successor agency, CRA/LA; or

c. The City demonstrates compliance with the required enactment of the Transportation Plan identified in the 1988 Hollywood Community Plan Revision process and the 1986/2003 Hollywood Redevelopment Plan process, and guaranteed by the City in Ordinance 165660 to provide a substitute mitigation to the 2: 1 FAR density restriction imposed on these parcels in 1988.

The FAR limit of 2:1 was imposed as a CEQA mitigation measure as part of a comprehensive planning process that occurred in conjunction with the 1988 Hollywood Community Plan Revision **and** the 1988 Hollywood General Plan Consistency Program. As extensively documented in **Exhibit 2**, there is no reasonable dispute that a comprehensive downzoning of Hollywood occurred in 1988 because significant negative impacts would occur if the City's 1946 zoning densities were allowed to be constructed without limitation -- which is what the City is doing on a parcel by parcel based now.

Based upon this zoning history, the Tao Hotel Project is actually asking for a rezoning that authorizes a taller and larger building than allowed by law. The City and Developer, once again presume the City can just enact a new ordinance and it will override Ordinance 165,660 that imposed the 2:1 FAR "D" Development Limitation.

Because the City proposes to erase the FAR density limit without complying with any of these requirements so as to avoid cumulative negative impacts in raising density without protecting the Hollywood community with equally effective mitigation measures, its action is unlawful and cannot be approved. (*Napa Citizens for Honest Govt. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358-359 ["We therefore hold that a governing body must state a legitimate reason for deleting an earlier adopted mitigation, and must support that statement of reason with substantial evidence. If no legitimate reason for the deletion has been stated, or if the evidence does not support the governing body's finding, the land use plan, as modified by the deletion or deletions, is invalid and cannot be enforced."]; *Fed. of Hillside & Canyon Ass'n v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 [City must assure that mitigation measures "will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded."].)

The City may not replace the 2:1 FAR density limit of Ordinance 165,660 without a valid reason. Such a valid reason would be that the long awaited Transportation Plan mitigation has been enacted, or a valid new community plan process that includes proper cumulative impact review has been completed. Neither of those things have occurred due to the City's ongoing neglect of the force of law of its general plan.

Response to Sunset Landmark Comment 4

The Project Site is subject to a Development "D" Limitation, which limits the maximum permitted FAR in Height District 2 to 2:1, unless additional FAR is approved by the City Planning Commission, subject to an agreement with the Community Redevelopment Agency (CRA). A Vesting Zone and Height District change from C4-2D to [Q]C2-2D has been requested to permit a maximum FAR of 3.7:1 in lieu of the permitted 2:1 FAR. Based on the Project Site's lot area of 21,610.7 square feet, the maximum allowable building area for a 3.7:1 FAR would be approximately 79,957 square feet, which is consistent with the project design.

The current zoning on the Project Site is not an unchangeable mitigation measure under CEQA or the Hollywood Community Plan EIR. The comment asserts that current zoning on the Project Site was adopted as an "mitigation measure" from a 1988 Hollywood General Plan/Zoning Consistency Program ("Consistency Program") and thus the City cannot modify this mitigation measure by legislative act. As stated in the comment, the premise for the "mitigation measure" argument is that FAR limits in Hollywood (including the Project Site) must remain unchanged until the City enacts a mitigation-based Transportation Specific Plan referenced in the nearly 30-year-old documents. The comment improperly conflates the Consistency Program with CEQA mitigation measures. The two are legally distinct and serve different purposes. Accordingly, the argument fails for several reasons.

First, the City already complied with the Consistency Program. The Consistency Program was born by court mandate following the passage of AB 283 and was subject to judicial oversight. The Consistency Program was an implementation tool for complying with the court's order to make Los Angeles' zoning consistent with its General Plan. It was not mitigation per se under CEQA. The Consistency Program contains no long term prohibition on subsequent zone changes or general plan amendments. Most importantly, the court

determined that the City completed the Consistency Program in 1997. Therefore, despite the comment's attempt to resurrect it, the program cannot, and does not, preclude the City from exercising its legislative power to change the Project Site zoning.

Second, even if the Consistency Program or Program EIR for the Hollywood Community Plan ("Hollywood EIR") are considered mitigation measures, the law does not require mitigation measures to apply in perpetuity. "The claim that once a mitigation measure is adopted it never can be deleted is inconsistent with the legislative recognition of the need to modify land use plans as circumstances change." (*Napa Citizens for Honest Govt.*, 91 Cal.App.4th at 358.) There is no statutory authority for the proposition that a change to the zoning or height district may not include the deletion or modification of earlier adopted mitigation measures. (*Id.*) Accordingly, once adopted, a mitigation measure is not binding for all time. (*Id.* at 359.)

We do not agree that the Consistency Program requires CEQA mitigation. We also do not agree that the Consistency Program and the Hollywood EIR are one and the same. The comment fails because Section 3.3 of the Hollywood EIR states that two primary reasons for revising the Hollywood Community Plan are: (1) because the City is under a court order to bring its General Plan and zoning into conformance by March 1988; and (2) the transportation system and other public facilities are services in Hollywood are at, or approaching, capacity today and cannot accommodate additional development . . . without substantial improvements. As we proved above, the City complied with the court order in 1997. In addition, the City has implemented major transportation improvements in Hollywood to improve transit capacity and accommodate development since the late-1980s.

For example, the City built and opened the Metro Red Line and Purple Line that provide heavy rail service for Hollywood and the Project Site. The City opened the Red Line in the mid-1990s and it is one of the busiest rail lines in the transit system. In addition, the City has updated and adopted a new Mobility Element (incorporated by reference) of the General Plan that further provides for transit options in the Hollywood area. The element further plans for adequate transit and vehicular circulation to accommodate existing conditions and growth. The project design and dedications comply with the Mobility Element. Thus, the City has implemented major improvements to the transit and vehicular network to address issues raised in the Hollywood EIR.

Moreover, Section 5 of the Hollywood EIR analyzed traffic impacts and contains recommendations (which are different than binding mitigation) for next steps to be undertaken by the City. Particularly, it recommends (p. 77) that the City identify transportation improvement options, and an implementation plan, for transportation in the Hollywood Community Plan area. The construction and opening of the Metro lines and the transit-enhanced network of streets in the Mobility Element accomplish the goal of the recommendation above. In addition, it recommends that "TDM/TSM plans should be developed and implemented for large scale commercial developments" in the Hollywood area. The Project includes a TDM plan. Thus, for multiple reasons, the City and the Project have accomplished the goals and recommendations of the Hollywood EIR, if it somehow applied in this case. Simply put, circumstances have changed over the last two decades and the City has transit options that allow for continued development. Accordingly, there is no legal merit to the comment's argument that an old transit plan recommendation can forever constrain the City's legislative land use powers.

Finally, the City retains its authority to approve a zone change and height district change for the Project, and is not required to update the entire Hollywood Community Plan to do so as suggested by the comment. The MND is a project-level document (compared to the program-level scope of the Hollywood EIR) that analyzes potential impacts associated with the zone change and height district change, contains mitigation measures as required by CEQA, and provides substantial evidence to support its impact conclusions for the Project.

Sunset Landmark Comment 5

(4) The former redevelopment agency, its lawful successor CRA/LA, and the Los Angeles City Council have violated their duties imposed by the Hollywood Redevelopment Plan, and cited in Ordinance 165,660 as a valid basis to modify the mitigation measure of the 2:1 FAR limit imposed in 1988, by failing to adopt the mandatory Transportation Plan that must be in place before the CRA/LA has legal authority to authorize any increase on this property above 2:1 FAR. We have confirmed with CRA/LA that it never completed and the

City Council never enacted the Transportation Plan required by the Hollywood Redevelopment Plan before increases in density would be allowed. Because the Hollywood Redevelopment Plan was adopted by City Ordinance Nos. 161202 and 175236, any project approved without the mandatory Transportation Plan violates City Ordinances 161202 and 175236. (**Exhibit 6** [Ordinances Incorporating Hollywood Redevelopment Plan as City Law].) CRA/LA has been sued by Hollywood Heritage for CRA/LA's more than three decade dereliction of duty to complete any of the implementing programs of the Hollywood Redevelopment Plan. This significantly includes failure to complete and adopt a protective and mitigating Transportation Plan. Therefore, this Project as proposed at nearly double the authorized FAR, is unlawful.

Response to Sunset Landmark Comment 5

The Project Site is located within the Hollywood Redevelopment Project Area ("HRPA"). Development within the Regional Center Commercial designation is restricted to an average FAR of 4.5:1. The intent for development within the Regional Center Commercial designation is to provide for economic development and guidance of high quality commercial, recreational, and residential urban environment with an emphasis on entertainment-oriented uses. To exceed an FAR of 4.5:1, the Redevelopment Plan requires the CRA/LA, a Designated Local Authority (successor agency to the former CRA of Los Angeles) to make certain findings and enter into an agreement with applicant to ensure that the proposed project will conform to the Redevelopment Plan. All applications within the HRPAs requesting a permit for construction, remodeling, improvements, alterations including seismic compliance, demolition and/or signs must be referred to the CRA for both CEQA clearance and permit approval.

On December 29, 2011, the California Supreme Court issued its decision in *California Redevelopment Ass'n v. Matosantos* (2013) 212 Cal.4th 1457. The decision upheld recently enacted state law dissolving all California redevelopment agencies including the Community Redevelopment Agency of Los Angeles (CRA/LA) and made the dissolution of the agencies effective February 1, 2012. CRA is statutorily prohibited from entering any new agreements and is currently only allowed to wind down CRA affairs, including honoring existing obligations and addressing land use issues consistent with CRA's land use powers under the Redevelopment Plan. To date, the CRA has not transferred its land use powers to the City's Department of City Planning.

As discussed above, the Project's requested entitlements include a height district change to remove the existing "D" limitation and permit a maximum FAR of 3.7:1 in lieu of the permitted 2:1 FAR. Accordingly, the provisions set forth in the existing "D" limitation regarding the CRA/LA do not apply to the Project. Furthermore, the proposed FAR is 3.7:1 and thus does not trigger the CRA/LA findings and agreement requirements in the Hollywood Redevelopment Plan, as the Project does not exceed the 4.5:1 FAR threshold.

Sunset Landmark Comment 6

(5) The MND prepared by the City for the Tao Hotel is fatally flawed and cannot support a project approval. The MND failed to accurately disclose and analyze the current zoning, FAR, height, and residential density elements of the Project in the project description and the land use sections of the MND. Moreover, the MND failed to adequately analyze air quality, land use, noise, traffic, and greenhouse gas emissions.

Response to Sunset Landmark Comment 6

The MND lists the current zoning (C4-2D) in the Project Description in the MND on pages 2-4 and Table 2-1. MND pages 2-6 through 2-10 correctly identify the development regulations applicable to the Project Site. These are also discussed in the Land Use section in the MND on pages 3-117 to 3-119. Moreover, this comment is a red-herring as demonstrated by Response to Comment 3 and Response to Comment 4.

The evidence contained in the MND demonstrates a thorough and conservative analysis of air quality, land use, noise, traffic, and greenhouse gas ("GHG") emissions. This comment simply states that the MND does not contain adequate analysis without providing any further explanation or evidence to support the claim. An introductory or conclusory statement does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural*

Landowners Ass'n v. City Council (1983) 143 Cal.App.3d 1013, 1020.) A comment that does not raise a significant environmental question does need not be responded to. (*Citizens for E. Shore Parks*, 202 Cal.App.4th 549.) Additionally, under Public Resources Code section 21082.2(c), “[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

Sunset Landmark Comment 7

(6) This is the fifth alcohol-soaked “Animal House” party hotel proposed by the same developer group within a few hundred feet of each other - yet the City Environmental Review Unit acts as if they are unrelated. This piecemealing of what has been touted in the media as a “new hotel district” by the developer somehow is allowed to roll out bit-by-bit and piece-by-piece without the comprehensive review CEQA requires. Even more astounding is the fact the City actually approved an MND for a piece of this building in 2015 without requiring review of even the whole building. This is professional environmental review malpractice. It used to be that the City enforced CEQA to prevent developer fraudulent applications of pieces of a larger project. *Arviv Enterprises v. South Valley Area Planning Commission* (2002) 101 Cal.App.4th 1333. Now the City colludes to ignore & openly defy CEQA’s duties.

For all of these basic reasons, most of them fundamental planning concepts apparently thrown out the window by the City Planning Director and his employees, the City Planning Commission and Advisory Agency must exercise restraint by not rubberstamping another planning disaster in Hollywood fueled by greed and foreign investors with no stake in the integrity of the City’s planning processes.

Response to Sunset Landmark Comment 7

For purposes of CEQA coverage, a “project” is defined as comprising “the whole of an action” that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines § 15378(a).) Thus, the term “project” refers to the activity for which approval is sought, not to each separate governmental approval that may be required for the activity to occur. (CEQA Guidelines § 15378(c).)

The project description should not include existing, ongoing activities not proposed for approval even though they may be related to the activity that is proposed for approval. (*El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal.App.4th 1591; *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270.) Related activities that are similar in nature and that serve the same purpose are separate projects (as opposed to a single project) if they are independently considered for approval and one activity is not a foreseeable consequence of the other. (*Sierra Club v. West Side Irrig. Dist.* 2005) 128 Cal.App.4th 690 [city’s agreements with two water districts for assignments of rights to Central Valley Project water were separate projects because the assignments were independent of each other and were approved by separate irrigation districts].)

In *Laurel Heights v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, the court set forth the standards for determining whether reasonably foreseeable future activities must be included in a project description and for determining whether the impacts of those activities must be analyzed in an environmental documentation. The court established a two-pronged test: “We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Id.* at 396.)

For the first prong, the current Project was not a reasonably foreseeable consequence of the existing development because each activity could operate successfully and without the development of the other. Put differently, the proposed hotel project could be approved and developed without the prior approval of the existing on-site development. The project proposes an unforeseen expansion to ensure the land is achieving its best; however, the existing development’s approval was not predicated on and could not predict this subsequent “buildout.”

Moreover, neither the proposed development and the existing development are conditioned upon completion of the other in the way that other piecemealing CEQA cases have articulated. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214 [because there was a strong connection between the road alignment and the completion of the proposed home improvement center, the court concluded that the home improvement center and the road alignment were part of a single CEQA project, even though they could have been completed separately]; *El Dorado County Taxpayers for Quality Growth*, 122 Cal.App.4th at 1600 [future expansion was not a foreseeable consequence of project approval because decision to allow future expansion would depend more on environmental, social, and political factors].)

Put succinctly, both the proposed Project and the existing development are legally required to be independently considered and not a foreseeable consequence of the other. Each development has independent utility and, while on the same site, are not predicated on each other. Denial of the proposed project would not eliminate the effectiveness of the existing development.

Contrary to the statement the project is a party hotel, as identified in the MND as the Project's objective the intent of the Project is to:

- Develop a site that combines hotel, retail, and restaurant uses.
- Support infill development and redevelopment in existing urban areas to reduce "greenfield" development and urban sprawl.
- Respond to the continuous demand for new hotel rooms in the City and specifically in the Hollywood sub-market, as identified in the Report of the Chief Legislative Analyst to the Members of the City's Housing, Community and Economic Development Committee dated August 6, 2013.
- Provide a lodging option for leisure and business travelers, tourists and visiting friends/relatives of local residents.
- Target an underserved segment of the tourist market with a hotel concept in Hollywood with proximity to some of the region's most popular tourist, cultural and entertainment destinations.
- Leverage the billions of public investment dollars on local transit facilities and infrastructure, including the Metro Red Line stations located nearby.
- Construct an iconic, contemporary hotel project on Selma Avenue, near Cahuenga Boulevard.
- Contribute to the economic recovery of the City by developing hotel uses that generate local tax revenues, provide new jobs, and host hotel guests who support local businesses, including dining, shopping and entertainment venues nearby.
- Create an architecturally-inspired development that is economically sustainable and compatible with surrounding land uses.

It is true that the Project is seeking a Conditional Use Beverage ("CUB") for the on-site sale and dispensing of alcoholic beverages incidental to a proposed 114-guestroom hotel and restaurant. The Applicant and the Project will adhere strictly to the requirements and conditions set forth in the CUB, including the Standardized Training for Alcohol Retailers, which requires such training for all employees involved with the sale of alcoholic beverages.

Sunset Landmark Comment 8

III. RELEVANT FACTS AND BACKGROUND.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 8

Please see Response to Comment 4.

Sunset Landmark Comment 9

IV. THE LAWFUL NUMBER OF HOTEL ROOMS IS SET BY THE MUNICIPAL CODE AT 200 SQUARE

FEET OF LOT AREA WHICH IS MUCH LESS THAN THE 114 ROOMS PROPOSED BY THE DEVELOPER

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 9

Please see Response to Comment 3.

Sunset Landmark Comment 11

VI. THE CURRENT ZONING OF THE TAO HOTEL WAS ENACTED UNDER THE COMPREHENSIVE GENERAL PLAN CONSISTENCY PROGRAM AS A DOWNZONING MITIGATION MEASURE AND THEREFORE SUCH MITIGATION MEASURE CANNOT BE MODIFIED BY SIMPLE REPEAL, AS THE DEVELOPER HAS ASKED THE CITY TO DO AGAIN AND AGAIN.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 11

This comment contains conclusory statements and does not raise a specific environmental concern related to the Project. No response is required. To the extent a response is required related to the Project's compliance with all applicable land use designations and plans, please see Response to Comment 4.

Sunset Landmark Comment 12

VII. THE FORMER REDEVELOPMENT AGENCY'S FAILURE TO PREPARE A TRANSPORTATION PLAN MEANS THAT NO INCREASES IN DEVELOPMENT DENSITY CAN BE GRANTED UNDER THE "D" DEVELOPMENT LIMITATION.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 12

This comment contains conclusory statements and does not raise a specific environmental concern related to the Project. No response is required. To the extent a response is required related to the Project's compliance with all applicable land use designations and plans, please see Response to Comment 4.

Sunset Landmark Comment 13

VIII. THE MITIGATED NEGATIVE DECLARATION VIOLATES CEQA. BECAUSE THERE IS NO SHOWING THAT SIGNIFICANT IMPACTS ARE NOT POSSIBLE, AN EIR IS REQUIRED.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 13

The comment does not raise any new CEQA issues and does not require any change to any conclusion identified in the MND. There is no substantial evidence in the record or in the comment showing that subsequent environmental review is necessary or that the Project may cause significant adverse impacts (Pub. Res. Code § 21166; CEQA Guidelines § 15162). CEQA Guidelines section 15064 requires the lead agency to determine if a project will have a significant effect based on substantial evidence. CEQA Guidelines section 15382 defines the term "significant effect on the environment" as "a substantial, or

potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.” In compliance with the CEQA Guidelines, and in light of the whole record, the lead agency accurately determined the significant effects of the Project. As demonstrated by the MND, the whole of the record supports the conclusion that the Project, as proposed, would have less than significant impacts.

Sunset Landmark Comment 14

A. The Project Description is Deficient and Masks Potential Significant Impacts.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 14

The MND must include an accurate, stable, and consistent description of the proposed project. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197.) The project description must contain sufficient specific information about the project to allow a complete evaluation and review of its environmental impacts. (CEQA Guidelines § 15124.) Pursuant to CEQA, a project description, and the accompanying analysis, must be consistent throughout the environmental document. If the project description is inconsistent (e.g., if a project is described differently in different sections of the documents), these shifts prevent the document from serving as a vehicle for intelligent public participation in the decision-making process. (*County of Inyo*, 71 Cal.App.3d at 197.)

Generally, an adequate MND must be “prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.) However, the project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” (CEQA Guidelines § 15124; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437). In *Dry Creek*, the leading case on the level of detail in a project description, the court noted that the CEQA Guidelines require a “general description” of a project’s characteristics. (70 Cal.App.4th at 28.) This requirement means that the MND must describe the main features of a project, rather than all of the details or particulars. This is consistent with the principle in CEQA Guidelines section 15140, requiring that environmental documents be prepared in plain language so that the public can readily understand them.

The courts have also confirmed that a project description may describe some project components in greater detail than others and need not include information irrelevant to the analysis of significant impacts. (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533 [court rejected claims that the EIR had to describe the area to be annexed precisely, because the map was sufficient to assess significant impacts and consider mitigation measures and alternatives]; *Cal. Oak Found. v. Regents of Univ. of Cal.* (2010) 188 Cal.App.4th 227, 269; *Mount Shasta Bioregional Ecology Ctr. v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 203.)

The historical information Comment 14 seeks to include in the MND is irrelevant, and does not assist in the evaluation and review of the environmental impact of the Project. Please see Response to Comment 3 through Response to Comment 6 and Response to Comment 13. As demonstrated by those Responses to Comment, the MND provides a consistent, stable and finite project description that permits review and evaluation of the Project’s impacts.

Sunset Landmark Comment 15

B. The MND's Land Use Analysis Fails To Disclose Significant Land Use Impacts.

[The language under this heading is purposely omitted here and we incorporate by reference the language under this heading in the Sunset Landmark Comment Letter.]

Response to Sunset Landmark Comment 15

Please see Response to Comment 4 through Response to Comment 6, Response to Comment 13 and Response to Comment 14.

Sunset Landmark Comment 16

In sum, the MND fails on multiple grounds, and as to multiple types of environmental effects, to meet the test for a mitigated negative declaration. It has failed to show no possibility of a significant impact on the environment as to air quality, noise and vibration, greenhouse gas emissions, and traffic. An EIR is clearly required.

Response to Sunset Landmark Comment 16

The comment letter does not provide substantial evidence that supports a finding that further CEQA review of the Project beyond the MND is required or the Project may have a significant environmental impact. As analyzed in the MND, the impacts of the Project are less than significant.

Sunset Landmark Comment 17

The Tao Hotel is an ill-conceived, noise generating nuisance “party hotel” that should have never come out of a Planning Department conference room. Multiple deliberate misconstructions of the LAMC are used to unlawfully increase the residential unit density, FAR, and height of the building. There is no legitimate basis to approve this Project as proposed. Given the numerous hotels of the same developer in the immediate vicinity, it is time for the City to acknowledge that this multi-hotel project must be analyzed comprehensively in a full EIR.

Response to Sunset Landmark Comment 17

The comment constitutes a conclusion to the comment letter. The comment letter does not provide substantial evidence that supports a finding that further CEQA review of the Project beyond the MND is required or the Project may have a significant environmental impact. As analyzed in the MND, the impacts of the Project are less than significant.



James Williams <james.k.williams@lacity.org>

Case #CPC-2016-2601-VZC-HD-CUB-ZAA-SPR Selma Wilcox Hotel, 6421 Selma Avenue1 message

Susan Harmon <susanh@me.com>

Sun, Jun 10, 2018 at 4:28 PM

To: cpc@lacity.org

Cc: james.k.williams@lacity.org

Dear Mr. Williams,

We are submitting comment for the Selma Wilcox Hotel, Item 10, Planning Commission Hearing, Thursday, June 14, 2018 at 8:30am

CPC-201602601-VZC-HD-CUB-ZAA-SPR
CEQA: ENV-2016-2602-MND

6421-6429 1/2 & 1699-1604 N.WILCOX AVE.

Thanks very much,
Susan and Robert Harmon

To Whom It May Concern:

We are neighbors living in close proximity to the Dream Hotel and other roof top deck entertainment (e.g. Mama's Shelter) in this area of Hollywood. There have been many nights where we have either been awakened by the loud music blaring from one of the establishments or have not been able to get to sleep at all due to the loud music. The music has gone on to as late at 3:00am in the morning. We can't imagine that the music has to be loud enough for us to hear so many blocks away. And that it has to go on into the wee hours of the morning. With the new hotel, the Selma Wilcox Hotel going up soon (and other proposed hotels), we would like to say that we are opposed to their roof top deck proposal(s) and all the night noise it might bring to the surrounding residents trying to get a good night's sleep.

Thank you so much for your consideration.

Sincerely,
Susan and Robert Harmon
Whitley Heights
CD4



United Neighborhoods for Los Angeles

www.un4la.com

UN4LA Board

Casey Maddren, President

Grace Yoo, Treasurer

Kim Lamorie, Secretary

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Jack Humphreville

Richard Platkin

Cherilyn Smith

June 10, 2018

City Planning Commission
Department of City Planning
200 N. Spring St.
Los Angeles, CA 90012

Re: Selma/Wilcox Hotel
6421-6429½ West Selma
CPC-2016-2601-VZC-HD-CUB-ZAA-SPR
CEQA: ENV-2016-2602-MND

Dear Commissioners,

United Neighborhoods for Los Angeles has reviewed the entitlements requested by the applicant for the project currently under construction at 6421 Selma. We strongly object to the approval of these entitlements, since work has already begun on the project that was previously approved by the Department of City Planning. The idea of considering a zone change, an expanded liquor permit and reduced setbacks for a project that is already under construction is both absurd and illegal. Our detailed comments follow.

1. Piecemealing

This is one of the most egregious examples of piecemealing that we have seen. The developer has begun construction on a smaller project that was previously

approved. While the structures that constitute the project were by-right, the liquor permit triggered environmental assessment under CEQA, which involved the preparation and review of an MND. **It is now clear that the previously approved project was merely a placeholder that the developer applied for in order to get permits to start construction. This is a shocking demonstration, not only of the developer's dishonesty, but of their contempt for the community and the planning process in general.**

CEQA requires that an applicant submit plans for a project in its entirety so that it can be comprehensively evaluated as part of the environmental assessment. The developer clearly has pulled a bait and switch here. They did not submit plans for the project that they actually intended to build, and are now requesting additional entitlements for the project they meant to build all along. This "new" project should be rejected in its entirety.

2. Zone Change and Height District Change

Is the DCP seriously considering granting a zone change for a project that is currently under construction? It's clear that the applicant intended all along to build a project substantially different from what was approved in 2016.

A zone change should be granted only under exceptional circumstances, not simply because a developer has asked for one. The City of LA approves zone changes far too often. **A February 2017 investigation by the LA Times found that LA grants requests for zone changes 90% of the time. This shows that the City has no commitment to planning, and instead sees growth as an ad hoc, case-by-case process.**

The DCP is currently in the process of updating the Hollywood Community Plan, and should refrain from granting any zone changes, height district changes, or general plan amendments until that process is completed.

3. Live Entertainment

There are many problems with the request for live entertainment, a central issue being that the request was not mentioned in the notice for the March 28, 2018 hearing, nor in the summary included in the CPC agenda for June 14. Is the DCP intentionally withholding this information from the public? The Mitigated Negative Declaration for the project (ENV-2016-3751-MND) clearly states that live entertainment is planned. It also says the outdoor courtyard area, which will offer live entertainment, will be allowed to stay open until 2:00 am.

The assurances that live entertainment on the rooftop deck will not be audible because it will take place in an enclosed area are not credible. **Loud music disrupting residents' rest during early morning hours has been an ongoing problem. It has especially been a problem at the Dream Hotel, another project, adjacent to this one, built by the same developer. When the Dream Hotel was constructed, we were told that mitigation measures would prevent any disruptions due to loud music. Clearly these assurances were worthless. DCP approved live entertainment as part of that project but does nothing to monitor the situation, leaving the LAPD to try to rein in the operators of a hotel that has no concern for the well-being of the community.**

To hear how live entertainment at the Dream Hotel is impacting the community, please view these two videos recorded by a Hollywood resident on the 1900 block of Whitley Ave., approximately one half mile away.

Video w/ Audio Recorded Friday, June 7, 1:00 am
[YouTube Title Mistakenly Cites June 8]
<https://www.youtube.com/watch?v=upVgkM5RDjg&feature=youtu.be>

Video w/ Audio Recorded Friday, June 1, 12:30 am
<https://www.youtube.com/watch?v=TLmLFZVjyOM&feature=youtu.be>

4. Liquor Permit

The project is located less than 500 feet from Selma Avenue Elementary and Larchmont Charter School. If we look at the same developer's Dream Hotel, it's clear that alcohol sales are a major part of their business model. Already on Selma the Dream Hotel and Mama Shelter are serving alcohol, as will the tommie when it's completed, and still another proposed hotel at Selma and Schrader has also requested a liquor permit. Granting yet another liquor permit to a hotel operating on Selma will only increase the chances of a drunk driver heading down Selma during the period when children are leaving school. If this hotel was located less than 500 feet from your child's school, would you hand them a liquor permit?

In the DCP's letter dated March 18, 2016 regarding approval of associated case no. ZA-2015-2671-CUB, it states that there are 54 on-site ABC locations in this census tract, which indicates the area is already oversaturated. It goes on to say that within a 1,000 ft. radius of the project there are 30 Type 47 ABC locations and 10 Type 48. How much booze do we need?

The same letter also states that Crime Reporting District No. 646 reported 1,870 crimes in 2014, over 10 times the citywide average of 163. Research shows that alcohol density is related to violent crime.

Regulating Density of Alcohol Outlets a Promising Strategy to Improve Public Health
<https://www.jhsph.edu/news/news-releases/2013/jernigan-alcohol-density.html>

Quote from a press release on report by Johns Hopkins Center on Alcohol Marketing and Youth:

"The authors cite several examples of the significant relationship between alcohol outlet density, consumption and harms: in Los Angeles County, researchers estimated that every additional alcohol outlet was associated with 3.4 incidents of violence per year, and in New Orleans, researchers predicted that a 10 percent increase in the density of outlets selling alcohol for off-premise consumption would increase the homicide rate by 2.4 percent."

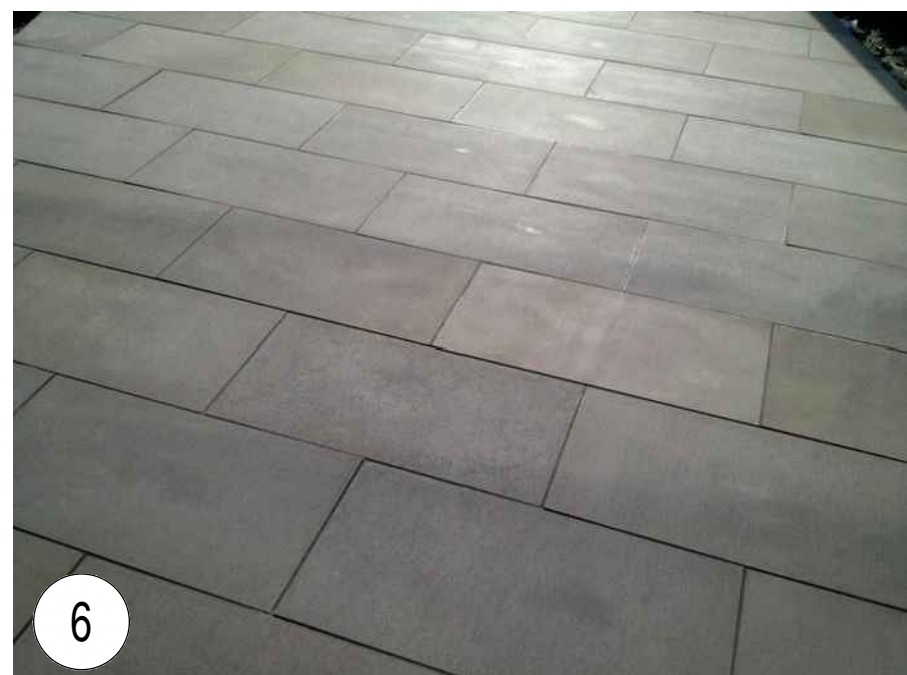
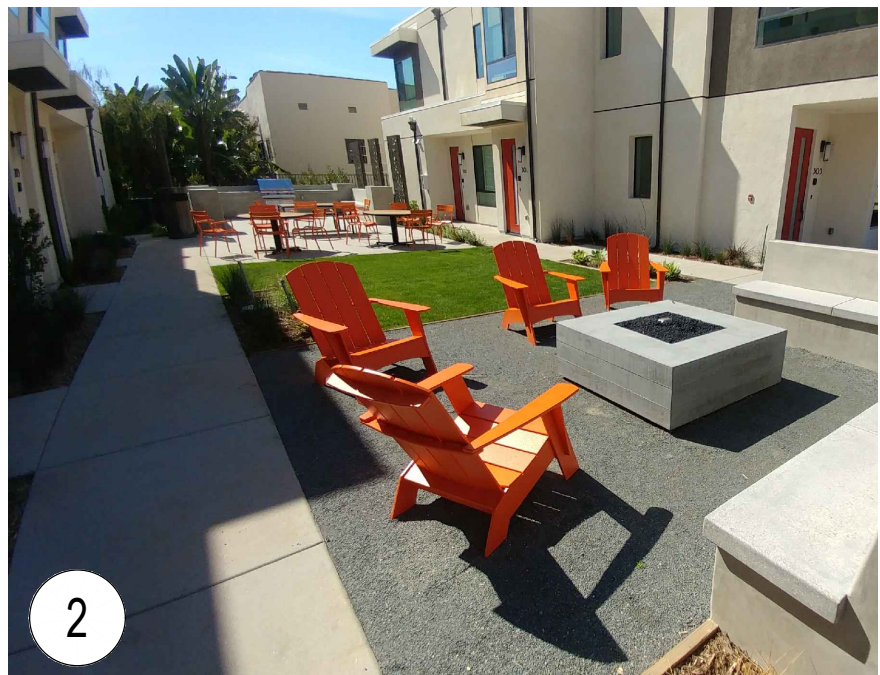
Central Hollywood's recent history seems to bear out researchers' findings that alcohol density is related to violent crime. In October 2014 Chief Beck wrote to the DCP, saying that the Hollywood area was already "oversaturated" with ABC locations, and asking that the DCP exercise more restraint in granting liquor

permits. The DCP ignored his request, granting a mounting number of permits (recently granting a Master CUP covering 10 locations on a single block at 6200 Hollywood Blvd.). **Violent crime in Hollywood has increased every year since Chief Beck wrote his letter. It has gone up 16.5% YTD over 2017 according to the most recent LAPD stats. (See attached Compstat report dated May 26, 2018.)**

For these reasons we believe this project should be rejected in its entirety. The applicants have not been honest in their dealings with the City, and the idea of requesting a zone change for a project currently under construction is outrageous. While we understand the need for more hotels, there is absolutely no need to grant one additional alcohol permit in the Hollywood area. There are already an abundance of drinking options for residents and tourists. And the applicants have shown by their poor oversight of live entertainment at the Dream Hotel that they have no regard for the community's needs.

Thank you for your time.

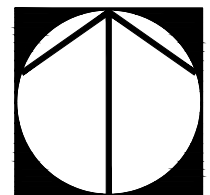
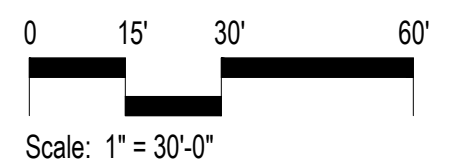
Sincerely,
Casey Maddren, President
United Neighborhoods for Los Angeles



Conceptual Images (provided herein are all subject to change)

LEGEND

1. Central community open space area with playground, specimen trees for shade, free standing BBQs, bench seating & picnic tables for social events and larger group gatherings.
2. West pocket park with fire-pit and seating for smaller group gatherings.
3. East pocket dog park with turf, dog bag station and bench seating for resident pet owners.
4. Five to six community cluster mailboxes, per USPS review and approval.
5. Proposed wall, pilaster, gate or fence, per Wall & Fence Plan.
6. Main project entry with enhanced paving and metal swinging vehicular gates, per local fire codes.
7. Secondary project egress / metal swinging gates, per local fire codes.
8. Proposed tree, per Planting Plan.
9. 4' wide community natural colored concrete walks, with light broom finish and narrow tooled joints.
10. 4' wide community natural colored concrete 'Woonerf' walks, with light broom finish and narrow tooled joints.
11. 3' wide unit entry walk (4' wide at ADA units) in natural colored concrete walk, with light broom finish and narrow tooled joints.
12. Accessible parking stall and striping, per Civil plans.
13. Guest parking stall.
14. Natural colored concrete driveway, with light broom finish and tooled joints.
15. Private patio / yard area, homeowner maintained.
16. Common area landscape, builder installed and HOA maintained.
17. Property line.
18. Public street R.O.W.
19. Proposed public street sidewalk, per Civil plans.
20. Short term bike parking (1 bike rack to accommodate 2 bike stalls).
21. Existing & proposed utilities, per Civil plans.
22. Community trash enclosures.



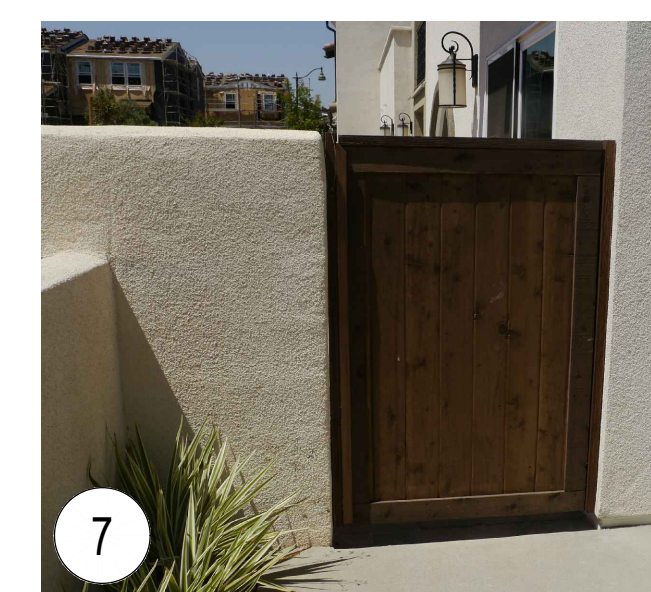
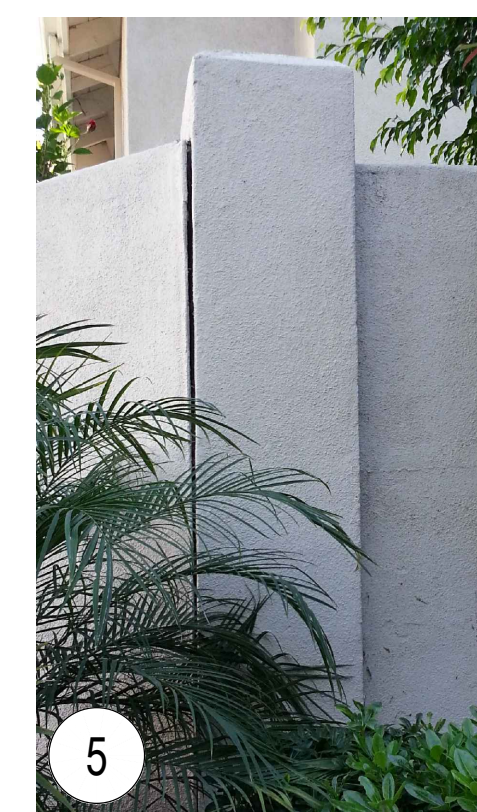
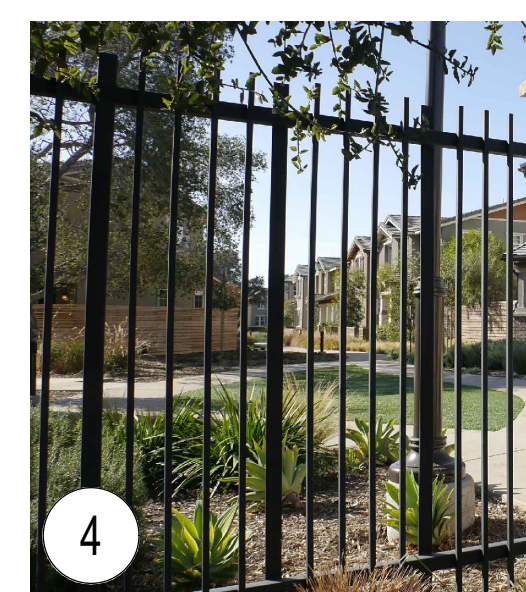
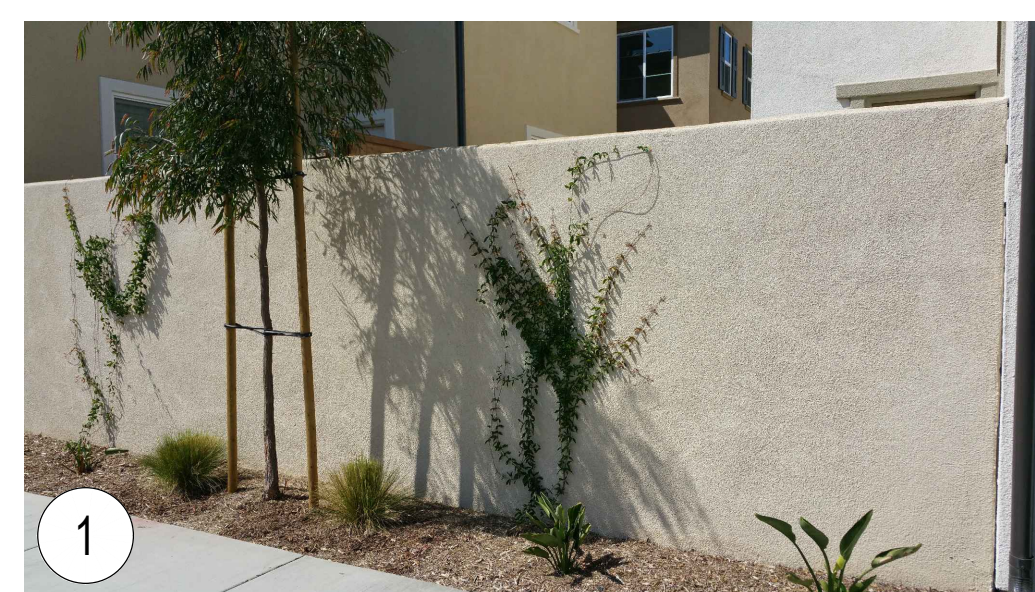
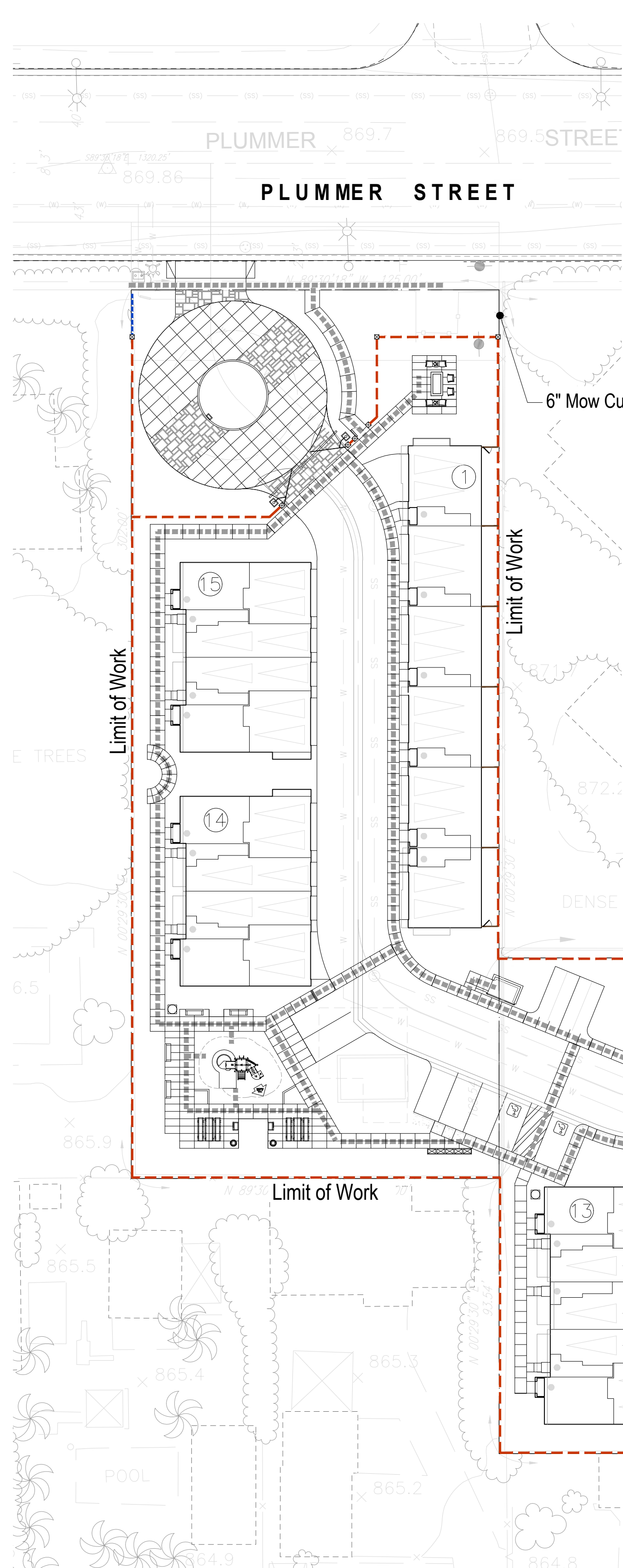
Conceptual Landscape Plan

1st Submittal - Design Review

Project No.: WHA01
Date: June 05, 2018

L-1

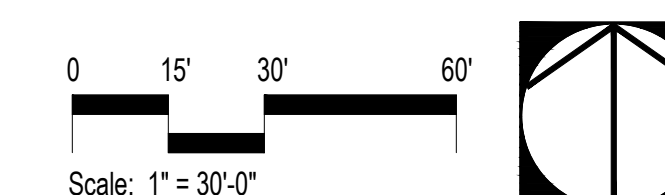
Sepulveda Plummer - Los Angeles



Conceptual Images (provided herein are all subject to change)

WALL LEGEND

- 1 6'-0" High stucco over CMU wall, with flat stucco cap.
 - 2 5'-6" High wood or vinyl fence, color to complement architecture.
 - 3 3'-0" High stucco over CMU low wall, with flat stucco cap.
 - 4 5'-0" High metal T.S. fence.
 - 5 6'-6" High (18" sq.) stucco over CMU pilaster, with stucco cap.
 - 6 5'-6" High metal pedestrian entry gates.
 - 7 5'-6" High wood or vinyl pedestrian gates.
 - 8 6'-0" High metal (modern style) vehicular swinging gates.
- ADA Path of Travel

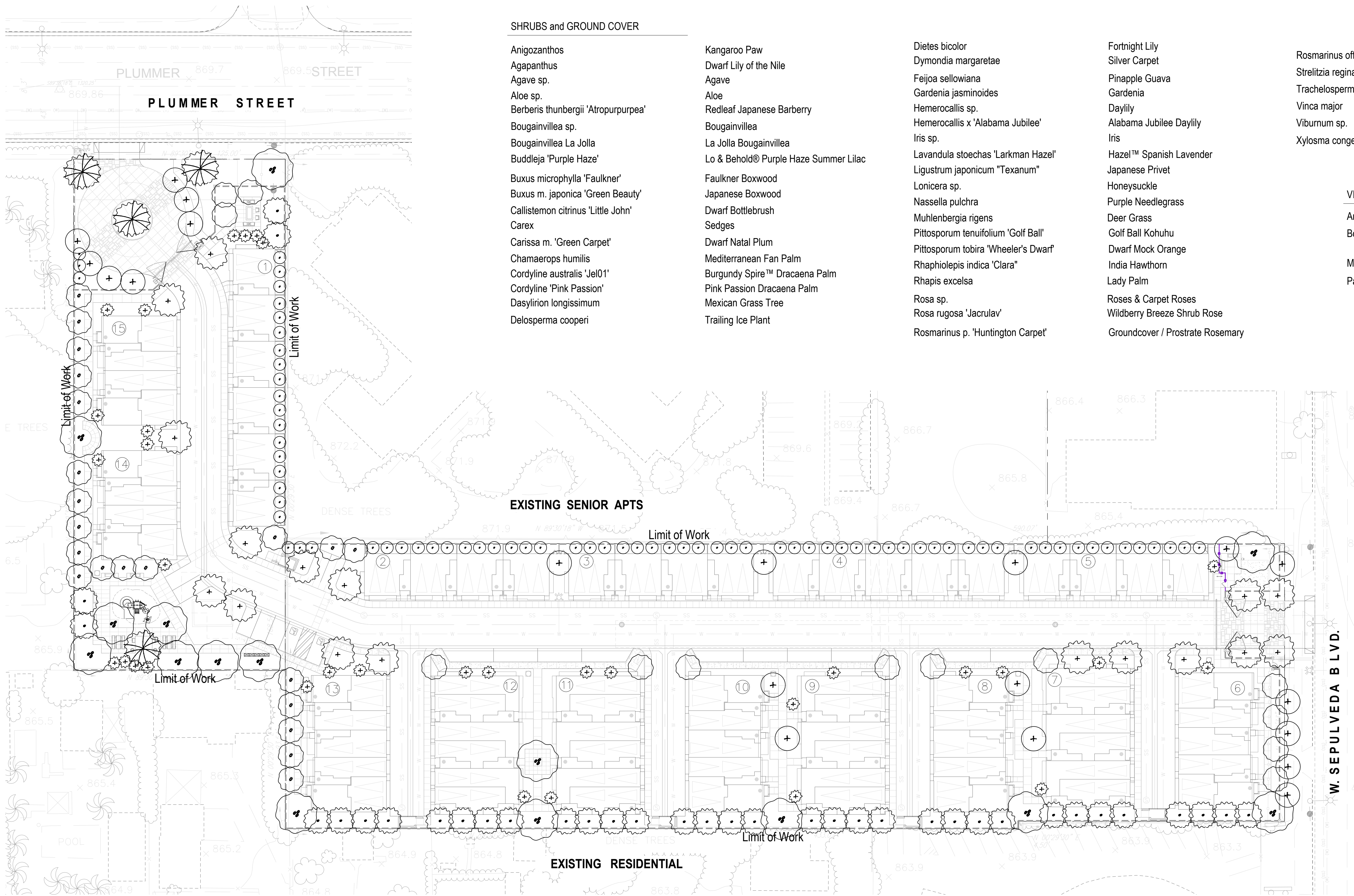


Conceptual Wall & Fence Plan

1st Submittal - Design Review | Project No.: WHA01
Date: June 05, 2018

L-2

Sepulveda Plummer - Los Angeles



SHRUBS and GROUND COVER

Anigozanthos
Agapanthus
Agave sp.
Aloe sp.
Berberis thunbergii 'Atropurpurea'
Bougainvillea sp.
Bougainvillea La Jolla
Buddleja 'Purple Haze'
Buxus microphylla 'Faulkner'
Buxus m. japonica 'Green Beauty'
Callistemon citrinus 'Little John'
Carex
Carissa m. 'Green Carpet'
Chamaerops humilis
Cordylone australis 'Jel01'
Cordylone 'Pink Passion'
Dasylirion longissimum
Delosperma cooperi

Kangaroo Paw
Dwarf Lily of the Nile
Agave
Aloe
Redleaf Japanese Barberry
Bougainvillea
La Jolla Bougainvillea
Lo & Behold® Purple Haze Summer Lilac
Faulkner Boxwood
Japanese Boxwood
Dwarf Bottlebrush
Sedges
Dwarf Natal Plum
Mediterranean Fan Palm
Burgundy Spire™ Dracaena Palm
Pink Passion Dracaena Palm
Mexican Grass Tree
Trailing Ice Plant

Dietes bicolor
Dymondia margaretae
Feijoa sellowiana
Gardenia jasminoides
Hemerocallis sp.
Hemerocallis x 'Alabama Jubilee'
Iris sp.
Lavandula stoechas 'Larkman Hazel'
Ligustrum japonicum 'Texanum'
Lonicera sp.
Nassella pulchra
Muhlenbergia rigens
Pittosporum tenuifolium 'Golf Ball'
Pittosporum tobira 'Wheeler's Dwarf'
Raphiolepis indica 'Clara'
Rhapis excelsa
Rosa sp.
Rosa rugosa 'Jaculav'
Rosmarinus p. 'Huntington Carpet'

Fortnight Lily
Silver Carpet
Pinnacle Guava
Gardenia
Daylily
Alabama Jubilee Daylily
Iris
Hazel™ Spanish Lavender
Japanese Privet
Honeysuckle
Purple Needlegrass
Deer Grass
Golf Ball Kohuhu
Dwarf Mock Orange
India Hawthorn
Lady Palm
Roses & Carpet Roses
Wildberry Breeze Shrub Rose
Groundcover / Prostrate Rosemary

Rosmarinus officinalis 'Tuscan Blue'
Strelitzia reginae
Trachelospermum jasminoides
Vinca major
Viburnum sp.
Xylosma congestum 'Compact'

Rosemary
Bird of Paradise
Star Jasmine
Periwinkle
Viburnum
Compact Xylosma

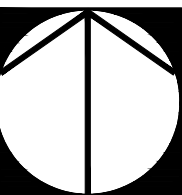
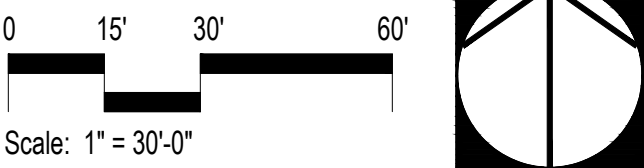
VINES & ESPALIERS

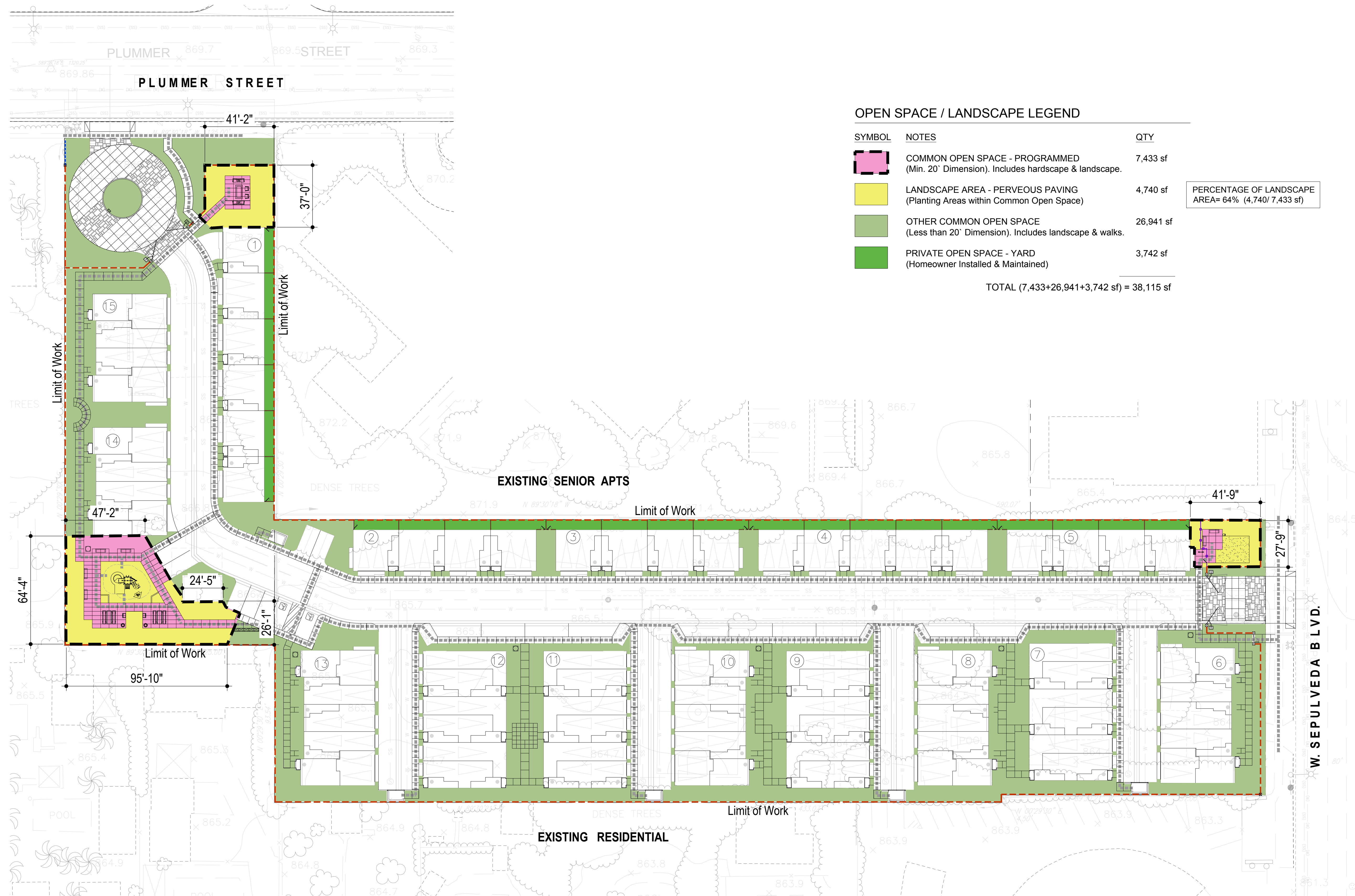
Antigonon leptopus
Bougainvillea 'Monka'
(Oo-La-La® Bougainvillea)
Macfadyena unguis-cati
Pandorea jasminoides 'Lady Di'

Coral Vine
Bougainvillea
Cat's Claw Vine
White Bower Vine

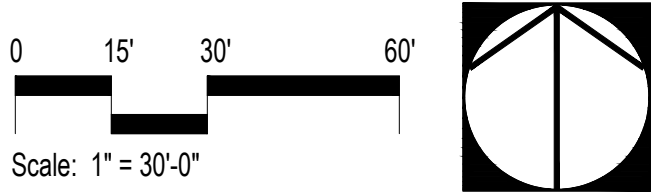
- NOTES:
1. Irrigation (including spray and/or drip) will be provided, in the Construction Document phase, and to be installed per local California water regulations (AB1881) .
 2. Vehicular Swinging Gates to be installed per local Fire Codes & Regulations.
 3. Transformers, back-flow preventers & other above-ground utilities to be screened with landscape as permitted per local codes & regulations.
 4. Landscape lighting (landscape up-lights, path lights/bollards, etc.) to be coordinated with Electrical Engineer in future phase.
 5. The plant palette listed provides a list of plant material to select from when preparing final landscape construction documents for this project. However, substitutions may be required due to availability, soils tests, or other conditions.
 6. All trees within 5' of hardscape to be installed with deep root barriers.

Conceptual Planting Plan





Conceptual Open Space Plan



Comment at May 7, 2018 NHENC Board Meeting

What the neighborhood wants is very simple. The compromise which we had with everyone involved (LA City, PLUM and developer) on March 22, 2017.

March 22, 2017 Meeting with Andrew Westall, from Council President Herb Wesson's office, Rebecca Valdez - Chief of Staff, District, Yolanda Fuentes - District 7 Director, Lance Williams - Owner of Williams Homes and three others from Williams.

Williams has agreed to do: 54 Unit apartment building on the front portion of the school lot on Sepulveda, there will be no access through to Plummer.
and 21, 2-story Single family homes on the back portion of the school lot on Sepulveda that goes along the back of the senior apartments and on the Bennett property on Plummer.

Andrew has said that he and Council President Wesson feel that this is the best scenario for this project and that this is what they support.

March 2017 15526 Plummer Street appears on documents with addresses to be included in rezone – Rebecca Valdez from District 7 is notified that this does not belong in rezone.

April 2017 In April, we find out that Williams submitted revised paperwork to the city without notifying us. The revised paperwork **did not restrict through access from the apartment building to the single family home section**, and used the phrase “**detached condominium**” instead of single family home.

July 2017 - developer Williams backed out

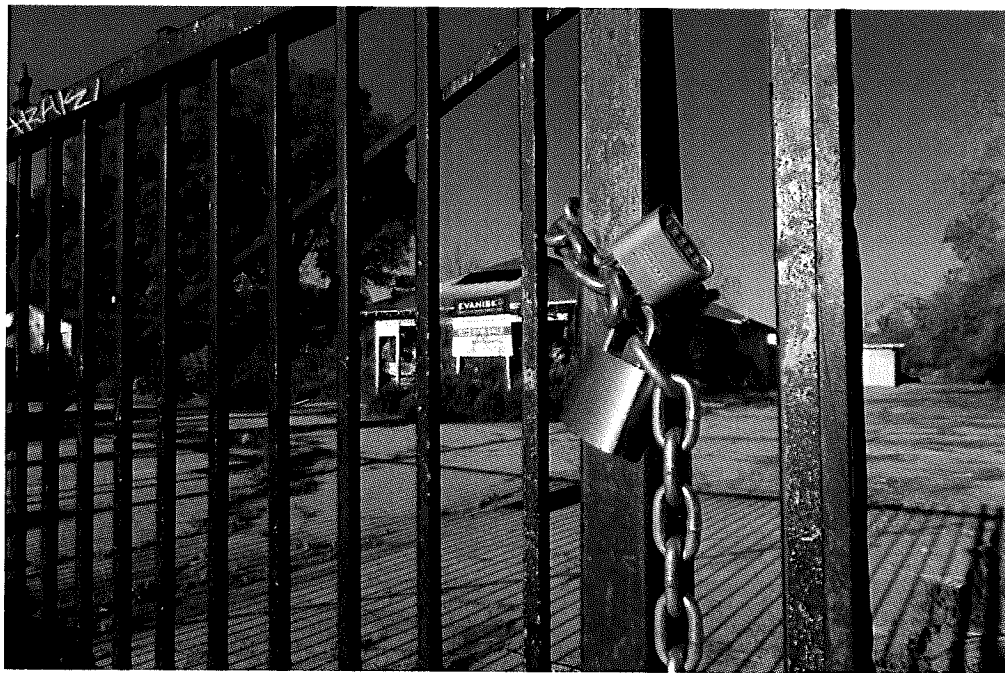
The agreement we had come to with the developer, was changed by them once it came to putting things down on paper with the city, and so many of the concessions made by Williams at our meeting will not necessarily be in the equation if someone else comes to develop.

December 2017 - Meeting with Juan Solario and Humberto Quintanas from Councilwoman Monica Rodriguez's office with residents present Charles and Norma Johnson, Tina Purwin, Angel Montenegro and Jill Akahoshi. Everyone agreed that condominiums with a street running through the block from Sepulveda and letting out on Plummer did not make sense. They agreed with us that an apartment building on the front end of Sepulveda and small lot homes on the rest of the site with no access from the apartment building through the home portion to Plummer except emergency access made more sense.

Mr. Wilkinsons you emailed me to say "... when the land owners agreed to change their proposal from a single condominium project to a combination of a large rental apartment building and a small lot subdivision and then took it through the City's entire planning process, successfully, their developer walked away. So what? There is no developer now.

LOCAL NEWS

A North Hills condo development gets an early green light, but some residents say not so fast



After two years of wrangling back and forth between the city and local residents, an apartment building proposed for the two properties at 15508 West Plummer St. and 9433 North Sepulveda Blvd., pictured here, in North Hills is back on the city's agenda. Residents fought long and hard, attending multiple local neighborhood council meetings. But during a recent meeting the North Hills East Neighborhood Council president ordered a vote and moved forward with full recommendation. Now residents are fighting to restore the compromise that had been previously reached. (Photo by Dean Musgrove, Los Angeles Daily News/SCNG)

By **OLGA GRIGORYANTS** | ogrigoryants@scng.com | Los Angeles Daily News

PUBLISHED: April 4, 2018 at 3:12 pm | UPDATED: April 4, 2018 at 4:09 pm



A controversial North Hills development proposal has taken a step forward. But residents in the area aren't on the same path.

The North Hills East Neighborhood Council voted Monday, April 2, to support a proposed 75-condo project near Sepulveda Boulevard and Plummer Street.

The council, an advisory board to the city of Los Angeles, voted in a room packed with about 80 residents who gathered to hear the fate of a 3-acre site near their homes.

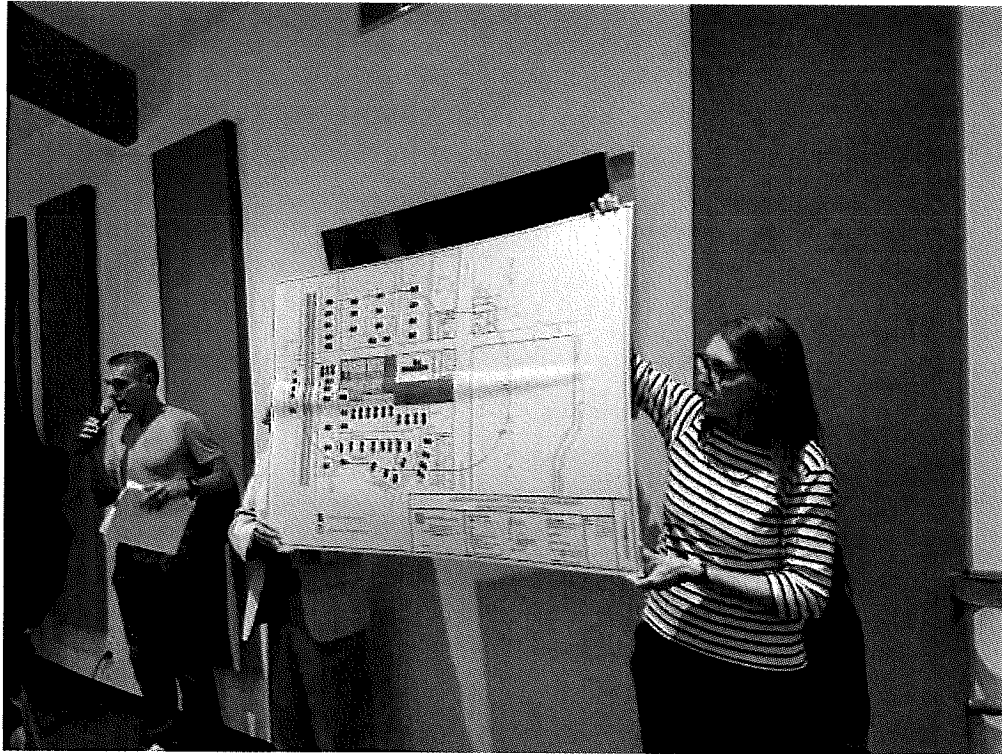


Eric Lieberman, a land-use entitlements consultant who represents property owners, talks about the North Hills development on Monday, April 2, 2018, at a meeting of the North Hills East Neighborhood Council. (Photo by Olga Grigoryants/Los Angeles Daily News)

Some residents said the project would worsen problems the neighborhood struggles with, including the lack of affordable housing, homelessness, traffic and violent crimes.

The discussion sparked a heated exchange between a representative of the landowners, the neighborhood council and residents.

Audience-members yelled “greed,” “ridiculous” and “it would be nice if you tell the truth” as Eric Lieberman, a consultant who represented the properties’ owners, talked about the project.



North Hills residents discussed the proposed development near their homes at a meeting of the North Hills East Neighborhood Council on Monday, April 2, 2018. (Photo by Olga Grigoryants/Los Angeles Daily News)

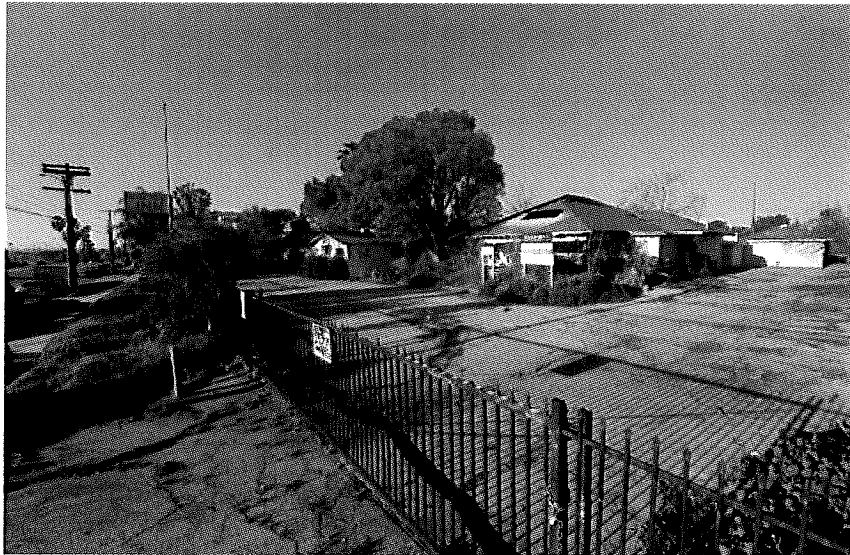
Debora Masterson, a North Hills resident, was surprised that a previous plan the residents had agreed on suddenly disappeared.

“We had a compromise agreement about a year ago with the PLUM (the neighborhood council’s planning and land-use committee), residents, developer and the city, but somehow everyone forgot about it,” she said.

RELATED STORY: Residential complex in North Hills spurs controversy

But Tony Wilkinson, vice president of North Hills East Neighborhood Council, said the condo project is a step forward for the community.

“We want to bring higher-scale folks who get a nice home here and put down roots here,” he said. “You mentioned a deal, but we don’t make any deals here. In front of us today is what the landowners are proposing.”



After two years of wrangling back and forth between the city and local residents, a condominium building proposed for the two properties at 15508 West Plummer St. and 9433 North Sepulveda Blvd., pictured here, in North Hills is back on the neighborhood council's agenda. (Photo by Dean Musgrove, Los Angeles Daily News/SCNG)

A discussion about the residential complex near Sepulveda Boulevard and Plummer Street began in August 2015 when builder Williams Homes filed a plan for a residential complex with the North Hills East Neighborhood Council.

Two years after multiple council meetings, the residents, developer and city representatives agreed to build a 54-unit apartment complex and 21 single-family homes at 15508 West Plummer St. and 9433 North Sepulveda Blvd.

But then a few months after the agreement was reached, the residents found out that Williams Homes pulled out of the project.

With no developer, the landowners of the 3-acre grassy site filed a new proposal with the neighborhood council to turn the site into a community of 75 townhomes.

The original plan, approved in 2017, offered 21 single-family homes — along with the 54-unit apartment complex, having a maximum height of 45 feet— while the new proposal was looking to build 75 41-foot-tall condos.

RELATED STORY: LA is planning a surge in Valley development around Orange Line stations. Here's where

Residents said the newly proposed plan would bring more people and traffic into the area, where it takes up to 30 minutes to drive a few blocks during rush hour.

Glen Humphrey, a North Hills resident, said he was not against the development but hoped it would be within agreed guidelines.

"If you have any feelings about the community, we want the project B," he said.

Jill Akahoshi, a board member of the neighborhood council, pointed out that the new project lacks affordable units.

Lieberman said the condos are not “affordable but attainable,” adding that condos nearby in the North Hills area were recently sold for about \$400,000 each.

Frank Evanisko, a real-estate agent who represents the property owners, said after the meeting that he and his clients, the landowners, are pursuing the entitlement-approval process. Evanisko said his clients are not going to decide who is a developer until the entitlement process is over.

“The perception of this community is going to change,” he said. “You put in a new shiny development and your home value is going up. The community is going to change, but it requires people from the outside area to pump money into it.”

He added that the new project will help ease traffic concerns because the initial proposal didn’t include any plans for guest parking for the apartment complex.

The neighborhood council’s vote is only advisory. Eventually, the plan will go to the city’s planning department before heading to the L.A. City Council for consideration.

Dane Shota, a Realtor who represents Mary Bennett, one of several landowners who have properties on the proposed site, said his client hoped any plan would pass and her property would be redeveloped.

“We want a development and something new in this neighborhood,” Shota said. “Sometimes an opportunity knocks on the door, and it’s up to you if you want to open it.”

Tags: development, real estate, San Fernando Valley, Top Stories Breeze, Top Stories LADN



Olga Grigoryants

Olga Grigoryants is a multimedia reporter focusing on urban development, business and culture. She also supports the paper in its watchdog role to hold San Fernando Valley power players accountable and loves digging for public records. After studying writing in Moscow, she moved to Los Angeles in 2007 and has called it home ever since. She earned her master’s degree from the USC Annenberg School for Communication and Journalism, and has published articles with Reuters,

Bloomberg, the Los Angeles Business Journal and LA Weekly. Along the way, she picked up awards from the Los Angeles Press Club and Society of Professional Journalists. If you want to get on her bright side, she loves a perfect cup of matcha latte.

🐦 Follow Olga Grigoryants @OlgaGrigory

VIEW COMMENTS

Join the Conversation

We invite you to use our commenting platform to engage in insightful conversations about issues in our community. Although we do not pre-screen comments, we reserve the right at all times to remove any information or materials that are unlawful, threatening, abusive, libelous, defamatory, obscene, vulgar, pornographic, profane, indecent or otherwise objectionable to us, and to disclose any information necessary to satisfy the law, regulation, or government request. We might permanently block any user who abuses these conditions.

If you see comments that you find offensive, please use the “Flag as Inappropriate” feature by hovering over the right side of the post, and pulling down on the arrow that appears. Or, contact our editors by emailing moderator@scng.com.

DAY OF HEARING SUBMISSIONS

UNITE HERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

June 14, 2018

City Planning Commission
200 North Spring Street
Los Angeles, CA 90012

ORIGINAL FILE COPY

RE: 2870 W Olympic Boulevard Mixed-Use Hotel Project; 2860-2872 West Olympic Boulevard; 1010-1024 South Kenmore Avenue (CPC-2015-4703-VZC-ZVSPR-ZAA-CU-CUB, ENV-2015-4704-MND) – June 14, 2018 City Planning Commission Hearing

Dear City Planning Commission,

On behalf of over 30,000 hospitality and restaurant workers represented by UNITE HERE Local 11, we write to express our opposition to the proposed Olympic Boulevard project. UNITE HERE Local 11 seeks to raise standards for workers in the hospitality and tourism industry in Los Angeles. In addition to fulfilling integral roles in the local Los Angeles economy, many UNITE HERE Local 11 workers also live in the Koreatown area. We wish to advocate for responsible development in the Koreatown area and to ensure that new projects do not negatively impact the existing communities. We submit these comments in respect to the above-referenced 2870 W Olympic Hotel Project ("Project") proposed by DH & Lo, Inc. ("Applicant"). We oppose this project as currently proposed. We recommend that the City Planning Commission ("CPC") deny the Project's entitlements and require that the Project's impacts be thoroughly studied through a full Environmental Impact Report ("EIR").

Before the CPC is the consideration of a new six-story mixed-use commercial and hotel structure, consisting of 120 guest rooms, a restaurant, and commercial space. The Applicant requests approval of a Mitigated Negative Declaration ("MND"), a Vesting Zone Change from C2-1 to RAS4-1, a Conditional Use to allow a hotel in the RAS4 and R4 Zones, a Conditional Use for alcohol sale, a Zone Variance pertaining to vehicular and pedestrian access, a Zoning Administrator's Adjustment to permit reduced side yards, and a Site Plan Review for a project that exceeds 50 guest rooms (collectively, "Entitlements").

Here, the Applicant proposes a Project that is grossly inconsistent with neighboring uses and which does not conform with the Wilshire Community Plan. In order to permit construction of this incompatible development, the Applicant is requesting several discretionary approvals to avert site-specific zoning and land use limitations that were put in place to avoid the very type of development that is proposed. The required land use findings for these Entitlements cannot be made because the Project does not substantially conform with the Wilshire Community Plan. Significantly, the conditions creating the need for these special permissions were self-imposed, in that a development has been planned that does not fit the zoning regulations of the parcel or consistency with existing uses.

The Project site contains seven parcels, four zoned C2-1 and three zoned R4-1. The Applicant seeks a zone change for the C2-1 zoned portion of the property to (T)(Q)RAS4-1 to allow a 3:1 floor-area-ratio ("FAR") across the entire site. Properties to the east, west, and north of the Project site are zoned C2-1 and developed with one- to two-story neighborhood-serving retail uses. Properties located south of the Project site are zoned R4-1 and developed with one- to five-story residential structures, including single- and multi-family apartment and condominium complexes (Department of City Planning Recommendation Report ("DCP Report"), p. A-4). A six-story mixed-use hotel project is out of character with the existing neighboring uses and building heights.

Approval of the Project's requested Site Plan Review, Zone Variance, Conditional Use, Zoning Administrator's Adjustment and Vesting Zone Change require the decision-maker to find that the project is in substantial conformance with the purposes, intent and provisions of the General Plan and applicable community plan. LAMC § 16.05.F; 12.27.D; 12.24.E; 12.28.C(4); 12.32.Q(32). The Wilshire Community Plan lists one goal and four objectives concerning residentially-zoned development:

Goal 1: Provide a safe, secure, and high quality residential environment for all economic and ethnic segments of the Wilshire community.

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CITY OF LOS ANGELES

JUN 14 2018

CITY PLANNING DEPT.
AREA PLANNING COMMISSION

Objective 1-1: Provide for the preservation of existing quality housing, and for the development of new housing to meet the ... needs of the existing residents . . .

Objective 1-2: Reduce vehicular trips and congestion by developing new housing in close proximity to regional and community centers, subway stations and existing bus routes.

Objective 1-3: Preserve and enhance the varied and distinct residential character and integrity of existing residential neighborhoods.

Objective 1-4: Provide affordable housing and increased accessibility to more population segments, especially students, the handicapped and senior citizens.

Wilshire Community Plan, pp. III-1–III-5. Because the Project is inconsistent with this goal and all four objectives, the required land use findings cannot be made. The Project would replace several structures, including a residential structure, with a mixed-use commercial building (DCP Report, p. A-1). Furthermore, the Project site features direct access to Metro Bus Lines 728 and 28 and the DASH Wilshire Center/Koreatown. It is located within less than a mile from the Wilshire Boulevard and Normandie Avenue Purple Line Stations as well as the Vermont Avenue and Wilshire Boulevard Purple and Red Line Stations.

The Project does not comply with these Objectives, which prioritize the preservation of existing housing and the reduction of vehicular trips and congestion by developing new housing near public transit, preserving the integrity of existing residential neighborhoods, and creating affordable housing. Given that the Project would **replace existing housing, would remove existing housing that is located within a mile of public transit, would propose a commercial use despite abutting various residential uses, and would not propose affordable housing**, the Project does not substantially conform with the community plan.

Further, the Applicant is requesting a Zone Variance to allow vehicular access from a less restrictive zoned parcel (RAS4-1) to a more restrictive zoned parcel (R4-1). The Applicant only requests this Zone Variance because they have proposed a large development across dual-zoned properties which were not originally zoned for this type of Project and requested a Vesting Zone Change in order to do so. LAMC § 12.27.D stipulates that a variance may be denied “if the conditions creating the need for the variance were self-imposed.” The proposed Project is not at all permitted by right given the current zoning of the property and the community plan governing this neighborhood. The development of a large mixed-use commercial building on this site, spanning dual-zoned properties, and requiring a Zone Change has created the self-imposed conditions requested by the developer.

Additionally, the MND’s analysis is flawed and cannot be relied upon to conclude that the Project will not result in significant environmental impacts. For example, the traffic analysis is outdated and should be prepared anew. Existing traffic levels were analyzed in 2015, with future conditions estimated for Project completion in 2019 (Traffic Study, p. 3). Given the Project’s still pending approvals and estimated construction period of 24 months (p. 69), these existing and future conditions will be outdated by the time the Project would actually be completed. In addition, several adjustments to the environmental analysis are needed for existing uses, existing traffic levels, and cumulative impacts that consider related projects. A full EIR with updated studies should be prepared for the Project.

Finally, this commenter requests, to the extent not already on the notice list, all notices of CEQA actions, any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. Please send notice by electronic or regular mail to: Natalie Schuman, 464 Lucas Avenue, Suite 201, Los Angeles, CA 90017, nschuman@unitehere11.org, cc: cdu@unitehere11.org.

Sincerely,
Natalie Schuman
UNITE HERE! Local 11



MONICA RODRIGUEZ
COUNCILWOMAN, 7TH DISTRICT

June 13, 2018

David H. Ambroz, President
City Planning Commission
201 North Spring Street, Room 532
Los Angeles, CA 90012

Dear President Ambroz,

**RE: ITEM NO. 11; CPC-2015-4184-GPA-ZC-BL-SPR; 9433 SEPULVEDA BOULEVARD;
15500 15508 PLUMMER STREET**

The 7th Council District respectfully requests that the City Planning Commission continue Item No. 11; CPC-2015-4184-GPA-ZC-BL-SPR, for the project located at 9433 Sepulveda Boulevard; 15500-15508 Plummer Street to the next regularly scheduled City Planning Commission meeting of July 28, 2018, which is scheduled to be held at Van Nuys City Hall.

Granting the continuance gives community members an opportunity to prepare and submit all necessary written comments to the Commission Office. Furthermore, hearing this case in the Valley provides geographic convenience for the community to attend and provide public testimony as it relates to this project.

Thank you for your consideration regarding the request for continuation of Item No. 11; CPC-2015-4184-GPA-ZC-BL-SPR.

Sincerely,

Monica Rodriguez
Los Angeles City Councilwoman, 7th District

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JUN 14 2018

**CITY PLANNING DEPT.
AREA PLANNING COMMISSION**

MR: HQ